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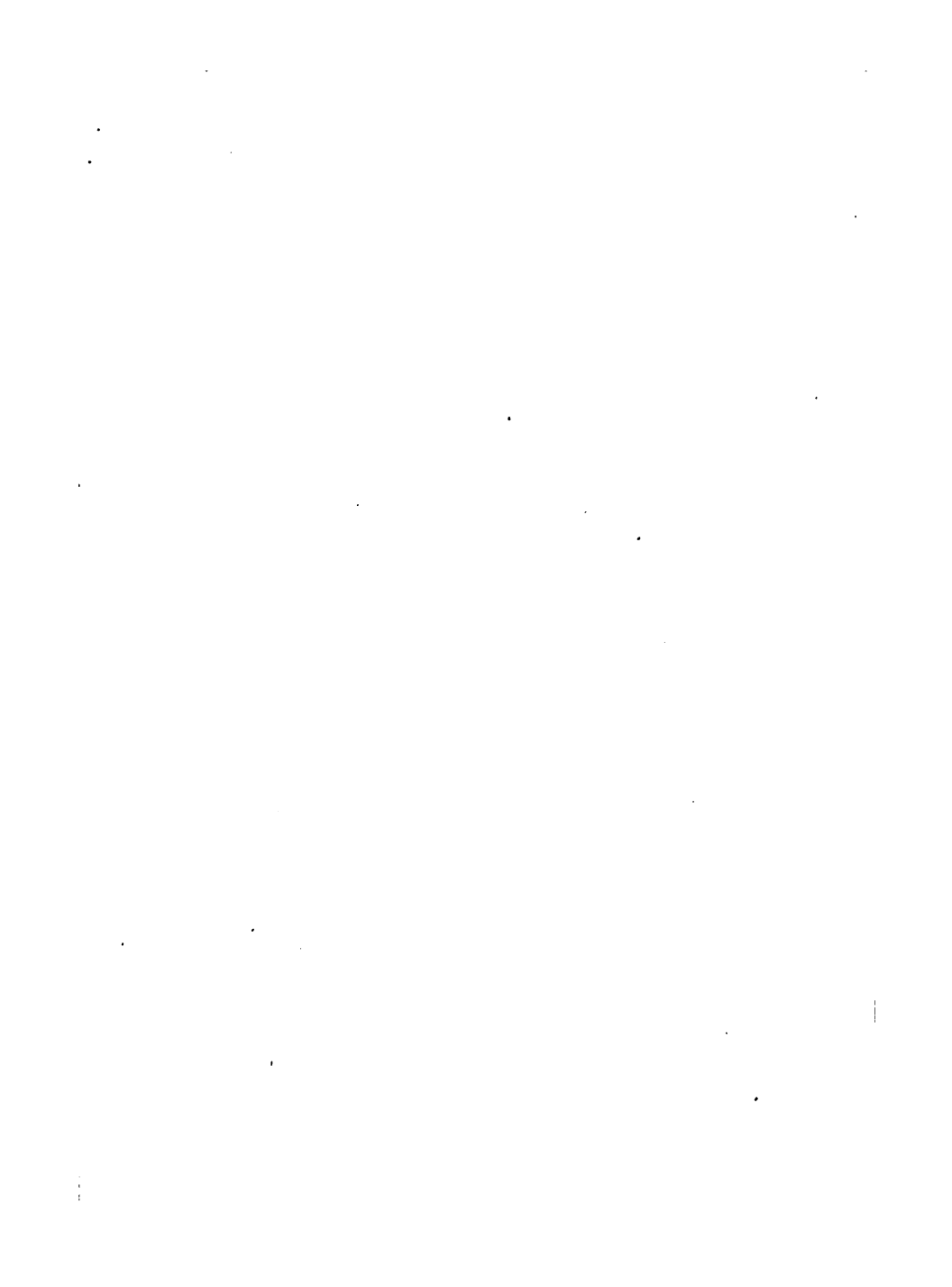


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STATUTES OF MASSACHUSETTS
RELATING TO
WEIGHTS AND MEASURES
AND THE
LICENSING, INSPECTION AND SALE OF
VARIOUS ARTICLES,

WITH AN APPENDIX CONTAINING RECENT FEDERAL LEGISLATION.

PUBLISHED BY THE
COMMISSIONER OF WEIGHTS AND MEASURES,
COMMONWEALTH OF MASSACHUSETTS.



BOSTON:
WRIGHT & POTTER PRINTING COMPANY, STATE PRINTERS,
32 DERNE STREET.
1917.

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P R E F A C E .

Since the last edition of this pamphlet was published, in 1912, material changes have been made in the statutes by successive Legislatures. Numerous provisions have been changed by amendment, others have been repealed, and many additional duties and powers have been imposed upon weights and measures officials by new legislation.

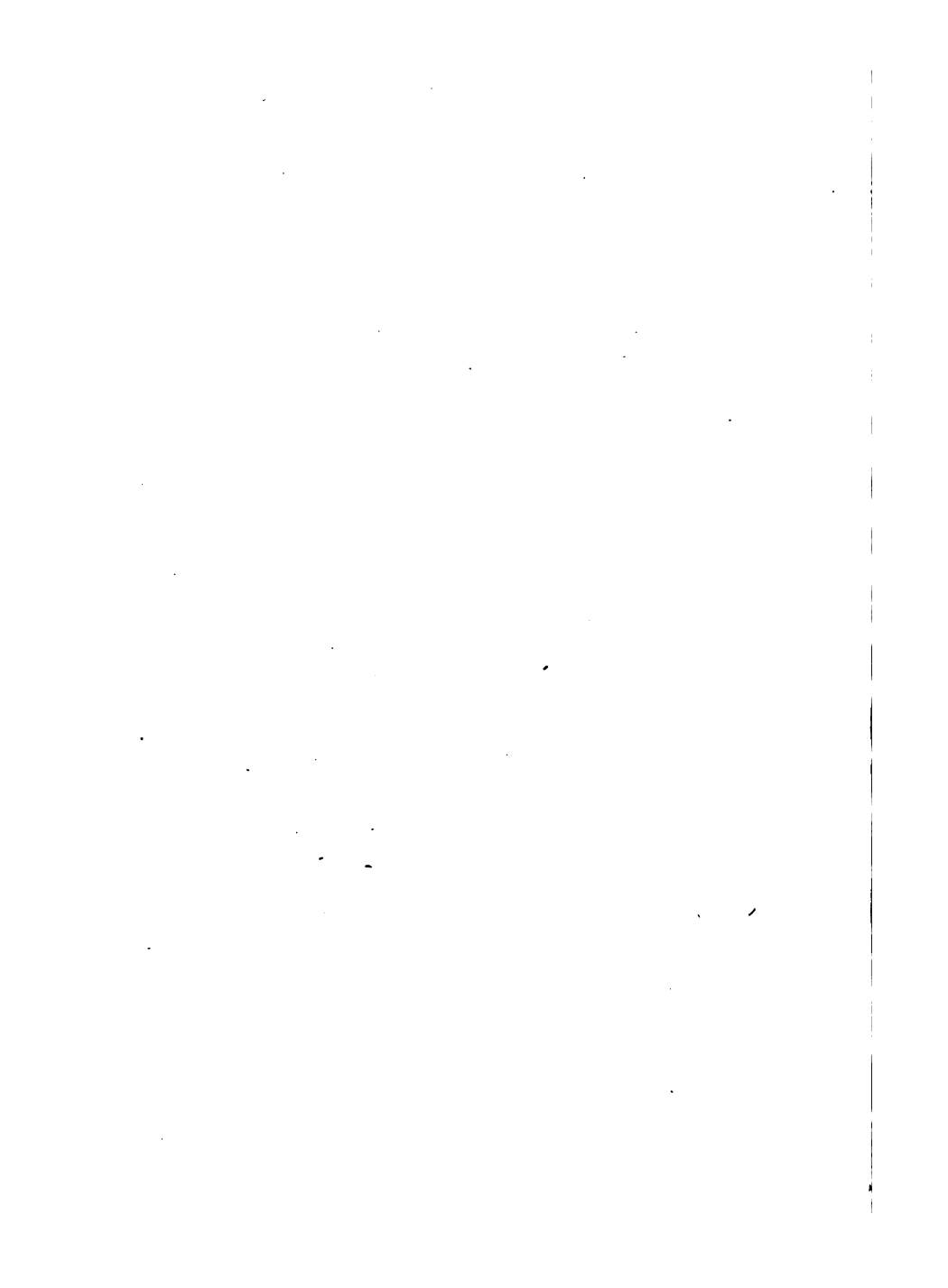
In preparing this publication an effort has been made to present in a concise form all statutes, the enforcement of which comes within the scope of the sealer's duties. Other officials are charged with the enforcement of a few of the statutory provisions included in this pamphlet, such as those relating to the capacity of range boilers, to the packing, grading and sale of apples, to weighers of fish, to peddling of oleomargarine, and to peddling near picnic groves, cattle shows and camp meetings. These are included as a matter of information for sealers and others interested, and, in order to provide the necessary space, a number of irrelevant provisions which appeared in the previous edition have been omitted from this issue.

It is often necessary, for the proper interpretation of statutes, to consult earlier enactments from which existing provisions have been derived, and, in order to facilitate this work, marginal notes and citations have been made which trace each provision to its origin, and include reference to Supreme Court decisions bearing upon the subject-matter.

Thure Hanson.

Commissioner.

SEPT. 1, 1917.



STATUTES OF MASSACHUSETTS

RELATING TO

WEIGHTS AND MEASURES

AND THE LICENSING, INSPECTION AND SALE OF VARIOUS ARTICLES.

REVISED LAWS, CHAPTER 62.

Weights and Measures.

UNIFORM INTERSTATE STANDARD OF WEIGHTS AND MEASURES.

SECTION 1. The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundred-weight shall contain one hundred avoirdupois pounds, and the ton twenty hundredweight.

Relation of
avoirdupois
to troy pound.
Hundred-
weight. Ton.
1894, 198, § 1.

SECTION 2. The barrel shall contain thirty-one and one-half gallons, and the hogshead two barrels: *provided, however*, that in barrels and fractional parts of barrels containing malt beverages a variation or tolerance of six per cent shall be permitted.

Capacity of bar-
rel, hogshead.
1894, 198, § 2.
R. L. 62, § 2.
1914, 525, § 1.
See 1903, 408,
§ 1, and 1915,
261, § 1.
222 Mass. 13.

SECTION 3. The barrel of flour, measured by weight, shall contain one hundred and ninety-six pounds, the barrel of potatoes one hundred and sixty-five pounds, and the barrel of sweet potatoes one hundred and fifty pounds.

Weight of
barrel of flour,
potatoes, sweet
potatoes.
1894, 198, § 5.
R. L. 62, § 3.
1902, 115.
1911, 397.

215 Mass. 349.

**Bushel weights
of certain
commodities.**

1782-3, 19, § 1.
1817, 130, § 2.
R. S. 28, § 199.
1855, 232, § 1.
G. S. 49, § 64.
P. S. 60, § 22.
1888, 414, § 2.
1894, 198, § 6.
1895, 28.
1901, 100.
R. L. 62, § 4.
1910, 297.
1912, 284.
1913, 176.
G. A. 1915, 43.

SECTION 4. The bushel of wheat shall contain sixty pounds; of Indian corn or of rye, fifty-six pounds; of barley, forty-eight pounds; of oats, thirty-two pounds; of corn meal, fifty pounds; of rye meal, fifty pounds; of smooth peas, sixty pounds; of wrinkled peas, fifty-six pounds; of soy beans (*glycine hispida*), fifty-eight pounds; of potatoes, sixty pounds; of apples, forty-eight pounds; of carrots, fifty pounds; of onions, fifty-two pounds; of clover seed, sixty pounds; of herdsgrass or timothy seed, forty-five pounds; of Japanese barn yard millet (*panicum crusgalli*), thirty-five pounds; of bran and shorts, twenty pounds; of flaxseed, fifty-five pounds; of coarse salt, seventy pounds; of fine salt, seventy pounds; of lime, seventy pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of lima beans, fifty-six pounds; of scarlet runner pole beans or white runner pole beans, fifty pounds; of broad Windsor beans, forty-seven pounds; of dried apples, twenty-five pounds; of dried peaches, thirty-three pounds; of rough rice, forty-four pounds; of upland cotton seed, thirty pounds; of sea island cotton seed, forty-four pounds; of buckwheat, forty-eight pounds; of beets, sixty pounds; of cranberries, thirty-two pounds; of pears, fifty-eight pounds; of parsnips, forty-five pounds; of roasted peanuts, twenty pounds; of green peanuts, twenty-two pounds; of peaches, forty-eight pounds; of tomatoes, fifty-six pounds; of turnips, fifty-five pounds; of quinces, forty-eight pounds; of string beans, twenty-four pounds; of shell beans, twenty-eight pounds; of unshelled green peas, twenty-eight pounds; of dandelions, twelve pounds; of

spinach, twelve pounds; of beet greens, twelve pounds; of kale, twelve pounds; and of parsley, eight pounds.

SECTION 5. In this commonwealth a bushel of cracked corn or feed or any meal except oatmeal shall be fifty pounds, and a cental shall be one hundred pounds.

P. S. 60, § 22.

1838, 414, § 2.

Cracked corn,
— feed meal.
Cental.
1840, 82, § 1.
1855, 232, § 1.
G. S. 49, § 4.
1880, 156, § 1.

WEIGHTS, MEASURES AND BALANCES.

SECTION 6. The following weights, measures and balances now in the treasury: a set of dry measures consisting of one-half bushel, eight, four, two and one quarts; a set of liquid measures consisting of one gallon, two and one quarts, one pint, two and one gills, a set of apothecaries' liquid measures consisting of one gallon, four, two and one pints, twelve, eight, six, four, three, two and one ounces, four, two and one drams, ten and five minims; a set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds; eight, six, four, three, two and one ounces, eight, six, four, three, two and one drams; a set of troy weights consisting of five thousand, three thousand, two thousand, one thousand, five hundred, three hundred, two hundred, one hundred, fifty, thirty, twenty, ten, five, three, two and one penny-weights, ten, six, five, four, three, two and one grains, one-half a grain, twelve, ten, six, five, four, three, two and one ounces, five tenths, four tenths, three tenths, two tenths, one tenth, five one-hundredths, four one-hundredths, three one-hundredths, two one-hundredths, one one-hundredth, five one-thousandths, four one-thousandths, three one-thousandths, two one-thou-

Standard
weights,
measures, etc.
C. L. 155, 279,
291.
1692-3, 20, § 1.
1705-6, 6, § 3.
1730-31, § 18.
1799, 60, § 1.
1800, 54.
1803, 141.
R. S. 30, §§ 1,
2, 4.
1847, 242,
§§ 1, 2.
Res. 1847, 55.
G. S. 51, §§ 1, 2.
P. S. 65, §§ 1, 2.
1897, 443, §§ 1, 2;
517.
1901, 103.
R. L. 62, § 6.
1907, 534, § 3.

sandths, one one-thousandth, five ten-thousandths, four ten-thousandths, three ten-thousandths, two ten-thousandths, and one ten-thousandth of an ounce; a set of apothecaries' weights consisting of twelve, six, two and one ounces, four, two and one drams, two and one scruples, ten, five, four, three, two and one grains, one-half, one-quarter and one-tenth grains; a yard measure and three sets of balances, shall be the sole authorized standards of weights and measures, except as provided in chapter sixty-three.

They shall be kept in the treasury by the treasurer, and at least once in every five years he shall cause them to be compared with those of the United States government and, if necessary, corrected so that they shall agree therewith.

Weights, etc.,
to be replaced.
1799, 60, § 1.
R. S. 30, § 3.
G. S. 51, § 2.
P. S. 65, § 2.

SECTION 7. Such weights, measures and balances as may be procured from time to time to replace the standard weights, measures and balances shall be preserved in the same form and of the same dimensions as are required of said standards, the denominations of the weights and measures shall be marked and stamped thereon respectively and they shall be sealed with the seal which is kept for that purpose by the treasurer and receiver general.

Deputy state
sealer of
weights and
measures.
Duties of
deputy state
sealer.

Deputy state
sealer to keep
record.

Weights, etc.,
to be furnished.
See 1907, 534,
§ 3, and 1909,
310.

SECTION 8. [As amended by chapter 457, Acts of 1902. Superseded by chapter 534, Acts of 1907.]

SECTION 9. [Repealed by chapter 125, General Acts of 1917.]

SECTION 10. [Superseded by section 3, chapter 534, Acts of 1907.]

SECTION 11. The treasurer shall provide each city and town with a complete set of the standard weights, measures and balances named in the following section.

SECTION 12. Cities and towns shall keep the following standard weights, measures and balances:— A set of avoirdupois weights consisting of fifty, twenty-five, twenty, ten, five, four, two and one pounds, and eight, four, two, one, one-half, one-quarter, one-eighth and one-sixteenth ounces; a set of dry measures consisting of one half-bushel, one eight-quart, one four-quart, one two-quart and one one-quart measures; a set of liquid measures consisting of one gallon, one half-gallon, one quart, one pint, one half-pint and one gill; one balance; one yard measure; and each city and each shire town shall keep the meter and kilogram and such standard troy weights as the treasurer and receiver general may designate.

Standard weights to be kept by cities, etc.
1890, 426, §§ 1, 2, 4.
R. L. 62, § 12.
See 1909, § 10.

SECTION 13. [Repealed by section 1, chapter 310, Acts of 1909.]

Counties to have apothecaries' weights, etc.
Sealers to have apothecaries' weights, etc.
1897, 443, § 4.
R. L. 62, § 14.
1914, 633, § 1.

SECTION 14. Sealers of weights and measures shall, upon request to the commissioner of weights and measures, be provided, at the expense of their respective cities and towns, with duplicate sets of said apothecaries' weights and apothecaries' liquid measures as described in section six, which shall be used as standards in the respective cities and towns in which they are kept.

SECTION 15. The several city and town treasurers shall, at the expense of their respective cities and towns, provide therein accessible places for the safe and suitable keeping and preservation of the weights, measures and balances furnished by the commonwealth, which shall be used only as standards. Said treasurers shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any of them are lost, destroyed or irreparably damaged, shall, at the expense of the city or town, replace the same by

Safe keeping, etc., of weights, etc.
1892-3, 30, § 1.
1799, 60, § 1.
1800, 18.
R. S. 30, § 5.
1848, 332, §§ 2, 3.
G. S. 51, § 5.
1877, 150, § 2.
P. S. 65, § 5.
1897, 443, §§ 3, 4.
R. L. 62, § 15.
1909, § 10.

similar weights, measures or balances. Cities and towns may effect insurance on such weights, measures and balances for their own benefit.

**Penalty on
treasurers for
neglect.**

1799, 60, § 2.
R. S. 30, § 7.
1848, 332, § 4.
G. S. 51, § 6.
P. S. 65, § 6.
1897, 443, § 5.

SECTION 16. Every such treasurer who neglects to provide a suitable place for keeping such weights, measures and balances, or to keep them in good order and repair, or who suffers any of them through his neglect to be lost, damaged or destroyed, shall forfeit two hundred dollars.

**County and
town standards
to be tested.**

1738-9, 24, § 1.
1799, 60, §§ 2, 3.
1803, 141, § 3.
R. S. 30, §§ 6, 9.
1847, 242, § 7.
1848, 332, § 5.
G. S. 51, § 7.
P. S. 65, § 7.
1890, 426, § 6.
1897, 443, §§ 3-5.
R. L. 62, § 17.
1902, 539.
See also 1909,
310, and G. A.
1917, 125.

SECTION 17. The standards, except those of apothecaries' weight and apothecaries' liquid measure, which are in the custody of county treasurers shall, at least once in every ten years, and such standards which are in the custody of city and town treasurers shall, at least once in every five years, be tried, adjusted and sealed by the treasurer and receiver general or by his deputy. At least once in every three years, the standards of apothecaries' weights and of apothecaries' liquid measures which are in the custody of county treasurers shall be compared with and adjusted by those in the custody of the treasurer and receiver general, and such standards in the custody of city and town treasurers, with those of the treasurer and receiver general or of the county treasurer. Every treasurer who neglects to have the standards in his care so sealed shall forfeit not more than fifty dollars.

**Appointment
of sealers and
gaugers.**

**Sealers
accountable
to towns
for standards.**
1799, 60, §§ 4, 5.
R. S. 30, § 15.
G. S. 51, § 8.
P. S. 65, § 9.

SECTION 18. [Repealed by chapter 452, Acts of 1914.]

SECTION 19. Every sealer of weights and measures shall receive from the treasurer of his city or town a set of the standards and a seal, and shall give a receipt therefor, stating the condition in which they are re-

ceived; and he shall be accountable to his city or town for the due preservation thereof in like condition until he returns them to the treasurer.

SECTION 20. The treasurer and receiver general and his deputy and the city and town sealers shall keep seals for their use. The seals of the treasurer and of his deputy shall bear the letters "C. M." and those of the city and town sealers shall be of such type as shall be approved by the deputy sealer. Any such treasurer or sealer who neglects to keep a seal in accordance with the provisions of this section shall forfeit not more than twenty dollars, and whoever, without being duly authorized to do so, impersonates a sealer or deputy sealer of weights and measures by the use of a seal or otherwise, or has in his possession an imitation or counterfeit of a seal used by a sealer or deputy sealer of weights and measures, shall be punished by a fine of not more than fifty dollars.

SECTION 21. Sealers of weights and measures shall annually give public notice by advertisement, or by posting, in one or more public places in their respective cities and towns, notices to all inhabitants or persons having usual places of business therein who use weights, measures or balances for the purpose of selling goods, wares, merchandise or other commodities or for public weighing, to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places, and shall adjust, seal and record all weights, measures and balances so brought in.

SECTION 22. After giving said notice, said sealers shall go to the houses, stores, shops or vehicles of per-

Each treasurer, sealer, etc., to have a seal.
As amended by c. 283, Acts 1907.
See also 1907, 534.
1909, §10.
Seals to be approved.

Penalty for impersonating sealer.

Annual notice to be given.
C. L. 155.
1692-3, § 30, § 1.
1733-9, § 24, § 3.
1793, § 60, § 6.
R. S. 30, § 16.
1847, 242, § 6.
G. S. 51, § 11.
1876, 123, § 1.
1877, 151, § 2.
P. S. 65, § 12.
12 Gray, 143.
111 Mass. 320.

Sealers to go to house or store to seal, when.

1705-6, 6, § 1.
 1799, 60, § 7.
 1817, 50.
 R. S. 30, § 18.
 1868, 179, § 1.
 1870, 218, § 2.
 1876, 123, § 2.
 1877, 151, § 2.
 P. S. 65, § 13.
 R. L. 62, § 22.
 1910, 209, § 1.

sons who neglect to comply therewith, and shall adjust and seal their weights, measures and balances. Any person who shall neglect or refuse to exhibit his weights, measures or balances, used for the purpose of weighing or measuring, to a sealer or deputy sealer, or whoever hinders, obstructs or in any way interferes with a sealer or deputy sealer in the performance of his duty shall be punished by a fine of not more than fifty dollars.

Sealers to test
 hay, etc., scales
 annually.
 1705-6, 6, § 5.
 1835, 126.
 R. S. 30, § 10.
 1847, 242, § 6.
 G. S. 51, § 12.

SECTION 23. Said sealers shall go once a year, and oftener if necessary, to every hay and coal scale and to every platform balance within their respective cities and towns which cannot be easily or conveniently removed, and shall test the accuracy of, adjust and seal the same.

1876, 123, § 3.

P. S. 65, § 14.

Sealers to test
 upon request.
 1870, 218, §§ 1, 2.
 1876, 123, § 4.
 P. S. 65, § 15.

SECTION 24. Whoever uses scales, weights or measures for the purpose of buying or selling any commodity may, if he desires it, have his weights and measures, used for such purpose, tested and sealed by the sealer of weights and measures.

Test of
 apothecaries'
 weights, etc.
 1897, 443, § 6.
 R. L. 62, § 25.
 1914, 633, § 2.
 G. A. 1917, 21.

SECTION 25. Apothecaries and all other persons dealing in or dispensing drugs, medicines or merchandise sold, dispensed or given away by apothecaries' weights or by apothecaries' liquid measure, shall, at least annually, cause the weights and measures so used to be tested and sealed by the sealers of weights and measures in the respective cities and towns in which they carry on business: *provided, however*, that if a graduated glass measure has once been sealed by a sealer of weights and measures, or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it remains in the same condition in which it was when first sealed. The commissioner of weights and measures shall establish specifications for graduate

glass measures. When a representative sample of any graduated glass measure has been submitted to the commissioner and approved by him, as conforming to the specifications, he shall assign a designating mark or number which shall thereafter be permanently affixed to all such measures of that particular kind which has been by him approved. Such graduated glass measures as are sealed by the manufacturer shall be marked with the name, initials or trade-mark of the manufacturer, and by any other marks which the commissioner may require. The commissioner shall have power to revoke the authority given by him to any manufacturer under the provisions of this section upon proof that the authorized seal or designating mark has been affixed to any measure which does not conform to the sample by him approved.

SECTION 26. Whoever sells or dispenses drugs, medicines or merchandise which require the use of apothecaries' weights or apothecaries' liquid measures or in the sale of which they are commonly used, and does not have such weights and measures tested in accordance with the provisions of this chapter, shall be punished by a fine of not less than five nor more than fifty dollars for each offence.

Penalty.
1897, 443, § 7.
R. L. 62, § 26.
1914, 633, § 3.

SECTION 27. If a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil or by other suitable means, so as to show that they have been inspected; and if any weight or weighing or measuring device is so small as to render it impracticable to seal the same in the usual manner, he shall furnish a certificate in such form as may be approved

Weights to be
marked with a
stencil, when.
Certificate of
test to be
furnished.
1877, 151, § 3.
P. S. 65, § 16.
R. L. 62, § 27.
G. A. 1917, 15.

by the commissioner of weights and measures, specifying every such weight or weighing or measuring device tested by him; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without the consent of the officer affixing the same shall for each offence forfeit not more than fifty dollars, to be equally divided between the city or town and the complainant.

Sealer to have duplicate sets of weights, etc.
1877, 151, § 4.
P. S. 65, § 17.

SECTION 28. A sealer or his deputy, when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him; and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards provided by the commonwealth; and all weights, measures and balances so sealed shall be deemed to be legally sealed, as if they were tested and sealed with the standard weights, measures and balances.

Sealer may seize for evidence.
1877, 151, § 5.
P. S. 65, § 18.
1897, 443, § 8.

SECTION 29. A sealer or deputy sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relative to the sealing of weights and measures; and they shall be

returned to the owners or forfeited as the court may direct.

SECTION 30. A sealer or deputy sealer of weights and measures may seize any weighing or measuring devices which do not conform to the legal standards or are not sealed as required by law; and any person who has in his possession such weighing or measuring devices, with intent to use them in violation of law, shall be punished by a fine of not more than fifty dollars for each offence, and such devices, upon order of any court, shall be destroyed. Possession of such devices shall be prima facie evidence that they were intended to be used in violation of law. Violation of the provisions of this section shall be prosecuted by said officers.

Seizure of
unlawful
measures.
1883, 225.
R. L. c. 62, § 30.
1914, 246.

SECTION 31. If any person informs a sealer of weights and measures that he has reasonable cause to believe, or if such sealer has reasonable cause to believe, that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, said sealer shall go to the place where such weight, measure or balance is, shall test it and mark it according to the result of the test; and if it is incorrect and cannot be adjusted, he shall attach thereto a notice of that fact and forbidding the use thereof until it has been made to conform to the authorized standard. If a sealer has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed, he shall enter the premises in which it is kept or used and shall examine the same. Whoever uses a weight, measure or balance after refusing permission to a sealer to test it shall be punished by a fine of not less than ten or more than one hundred dollars.

Sealer to test
incorrect
weights upon
complaint.
1863, 179, §§ 2, 3.
1870, 218, § 4.
1876, 123, §§ 5, 7.
P. S. 65,
§§ 19, 21.
1897, 443, § 8.
114 Mass. 431,
433.

Weights to be marked "condemned", or "not sealed", when.
 1870, 218, § 5.
 1876, 123, § 6.
 P. S. 65, § 20.
 1897, 443, § 8.
 R. L. 62, § 32.
 1910, 209, § 2.

Penalty for using false weights or measures.
 1863, 179, § 3.
 1876, 123, §§ 6, 7.
 P. S. 65, §§ 20, 21.
 1897, 443, § 8.
 R. L. 62, § 33.
 1906, 215.
 1914, 379.

Fees of sealers.
 C. L. 155, 153.
 1692-3, 30, § 1.
 1730-31, 15.
 1738-9, 24, § 6.
 1743-4, 29, § 2.
 1799, 60, §§ 3, 6.
 R. S. 30, §§ 10, 17.
 1847, 242, §§ 4, 6.
 G. S. 51, § 14.
 1870, 218, § 6.
 1876, 123, §§ 2, 3.
 P. S. 65, § 22.

Sealers may be paid salaries.
 1863, 179, § 4.
 1876, 123, §§ 1, 8.
 P. S. 65, § 23.
 See 1914, 452.

SECTION 32. All weights, measures and balances which cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer. All weights, measures and balances in the possession of a merchant or vendor that are not used for the purpose of buying or selling or for the purpose of weighing and measuring for hire or reward shall be plainly marked by the sealer with the notice stating that such articles have not been sealed in accordance with the provisions of this chapter. Whoever removes said notice without the consent of the person affixing the same shall be punished by a fine of not more than fifty dollars.

SECTION 33. Whoever uses, or has in his possession with intent to use, a false or condemned weight, measure, scale, balance or beam for weighing or measuring any commodity bought, sold or exchanged, or for hire or reward, may for each offence be fined not more than fifty dollars. The possession of such weight, measure, scale, balance or beam shall be prima facie evidence that the same was intended to be used in violation of law.

SECTION 34. Each sealer of weights and measures shall receive a fee of one dollar for sealing each platform balance if weighing five thousand pounds or more, and fifty cents if weighing less than that amount, and three cents each for sealing all other weights, measures, scales, beams or balances. He shall also have a reasonable compensation for all necessary repairs, alterations and adjustments made by him.

R. L. 62, § 34. 1909, 310, § 1. See also index for other fees.

SECTION 35. Cities and towns may establish ordinances and by-laws providing that the sealer of weights and measures shall be paid by a salary, and that he shall

account for and pay into the city or town treasury the fees received by him by virtue of his office; and if such salary is paid, no fees shall be charged for services rendered under the provisions of section twenty-one.

SECTION 36. Vibrating steelyards may be used if each beam and the poises thereof are annually tried, proved and sealed by a sealer of weights and measures.

G. S. 51, § 15.

P. S. 65, § 24.

Vibrating
steelyards
to be tested.
1800, 32.
1816, 60.
R. S. 80, § 22.

SECTION 37. Whoever sells or, if by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, buys by any other weights, measures, scales, beams or balances than those which have been sealed as before provided or as provided in chapter sixty-three shall forfeit not more than twenty dollars for each offence to the use of the person suing therefor.

109 Mass. 220.

Penalty for
using unsealed
weights, etc.
C. L. 279.
1705-6, 6, § 2.
1728-9, 24, § 7.
1799, 60, § 8.
R. S. 30, § 24.
1847, 242, §§ 5, 6.
1851, 65.
G. S. 51, § 16.
P. S. 65, § 23.
1897, 443, § 8.

SECTION 38. The seller may recover the fair market value of goods, wares or merchandise sold if they were, for the purposes of the sale, weighed or measured upon scales, measures, weights, beams or balances which were not sealed according to law, or by a person not a sworn weigher, measurer or surveyor, or by a person not authorized by law to weigh or measure the same, if such sale is made in good faith and the purchaser is not injured thereby.

Value of goods
sold by un-
sealed weights,
how collected.
1873, 153.
1878, 65.
P. S. 65, § 26.
109 Mass. 220.
119 Mass. 235.

SECTION 39. If commodities are sold by weight, it shall be understood to mean the net weight of all commodities so sold; and all contracts concerning goods sold by weight shall be understood and construed accordingly: *provided, however*, that in respect to commodities not intended for food or fuel reasonable tolerances or variations shall be permitted in accordance with

Commodities
to be sold by
net weight.
1823, 121, § 1.
R. S. 30, § 25.
G. S. 51, § 17.
P. S. 65, § 27.
128 Mass. 585.
R. L. 62, § 39.
1913, 164, 301.
G. A. 1917, 14.

established trade customs. Any violation of this act shall be punished by a fine not exceeding one hundred dollars for each offence.

Rules for weighing.
1827, 121, § 2.
R. S. 30,
§§ 26, 27.
G. S. 51, § 18.
P. S. 65, § 28.

Public weighers.

SECTION 40. Every public weigher of goods or commodities shall weigh the same according to the provisions of the preceding section, and shall make his certificate accordingly; and for each refusal or neglect he shall forfeit not more than ten dollars. Every weigher of goods appointed by a city or town, and every weigher for hire or reward, shall be a public weigher within the provisions of this section.

Measures for salt and grain regulated.
1822, 117.
R. S. 30, § 23.
G. S. 51, § 19.
P. S. 65, § 29.

SECTION 41. If the city council of a city or a town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, every measure by which salt or grain is sold shall, in addition to being conformable in capacity and diameter to the public standards, have a bar of iron, approved by a sealer of weights and measures, across the middle thereof at the top, and a bar or standards of iron, approved as aforesaid, from the centre of the first-mentioned bar to the centre of the bottom of the measure; and every such measure shall be filled by shovelling such salt or grain into the same, and the striking thereof shall always be lengthwise of the first described bar. And whoever sells or exposes for sale any salt or grain in any other measure, or fills or strikes such measure in any other manner than is provided in this section, shall forfeit fifty cents for every bushel of salt or grain so measured, filled or stricken; but salt may be measured from vessels in such measures as are used by the government of the United States, or, as authorized by any city or town, in tubs or in proportional parts of hogsheads, without bars.

SECTION 42. The mayor and aldermen of a city or selectmen of a town in which boilers and heavy machinery are sold shall appoint, and may remove, one or more persons, not engaged in the manufacture or sale thereof, to be weighers of boilers and heavy machinery, who shall be sworn to the faithful performance of their duties. The board appointing them may fix their fees, which shall be paid by the seller.

Appointment
of weighers
of boilers, etc.
1863, 173.
P. S. 65, § 30.

SECTION 43. Glass bottles or jars which are used for the distribution of milk or cream to consumers, and which hold, when filled to a level with the bottom of the cap or stopple, not less than seven ounces and six drams and not over eight ounces and two drams; not less than fifteen ounces and five drams and not over sixteen ounces and four drams; not less than thirty-one ounces and four drams and not over thirty-two ounces and four drams; not less than forty-seven ounces and three drams and not over forty-eight ounces and five drams; not less than sixty-three ounces and two drams and not over sixty-four ounces and six drams, shall be sealed as measures under the provisions of section twenty-one or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring in such bottles or jars to the office of the sealer of weights and measures in their respective cities and towns, to be sealed as aforesaid; but no fee shall be charged or received for sealing them. If a bottle or jar has once been sealed by the sealer of weights and measures or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the

Sealing of milk
bottles and
jars.
1900, 369.
1901, 369.
R. L. 62, § 43.
1909, 531.

Manufacturers' seal
marks.

See c. 462,
Acts 1910.

distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers. Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials, or trademark of the manufacturer, and by any other mark which the commissioner of weights and measures may require. The sealing of such bottles or jars by the manufacturer shall not be held to affect the provisions of law relating to the giving of false measures, or the using of a false measure, or the having in possession of a false measure with intent to use.

REVISED LAWS, CHAPTER 63.

Metric System of Weights and Measures.

Metric system
authorized.
1877, 40, § 1.
P. S. 66, § 1.
U. S. Rev.
Sta., § 3569.
R. L. 63, § 1.
1907, 534, § 3.
1914, 183.

SECTION 1. The weights and measures of the metric system may be employed and used in this commonwealth, and no contract or dealing shall be deemed invalid and no pleading in any court shall be open to objection because the weights or measures are stated therein in terms of the metric system: *provided, however*, that the carat weight of two hundred milligrams and its multiples and subdivisions shall be the sole legal standard for the buying and selling of diamonds and precious stones. The metric weights and measures received from the United States and now in the treasury of the commonwealth may be used as authorized public standards of weights and measures, and shall in no case be removed from the treasury except under necessity for their preservation or repair.

SECTION 2. The following tables shall be recognized in the construction of contracts and in legal proceedings as establishing in terms of the metric system the equivalents of the other weights and measures expressed therein and may also be used for computing, determining and expressing in customary weights and measures the weights and measures of the metric system.

Effect of
various
measures.
1877, 40, § 2.
P. S. 66, § 2.
U. S. Rev.
Sta., § 3570.

Measures of Length.

METRIC DENOMINATIONS AND VALUES.		EQUIVALENTS IN DENOMINATIONS IN USE.
Myriameter .	. . . . .	6.2137 miles.
Kilometer .	. . . . .	0.62137 mile, or 3,280 feet 10 inches.
Hectometer .	. . . . .	328 .
Dekameter .	. . . . .	393.7 inches.
Meter .	. . . . .	39.37 inches.
Decimeter .	. . . . .	3.937 inches.
Centimeter .	. . . . .	0.3937 inch.
Millimeter .	. . . . .	0.0394 inch.

Measures of Surface.

Hectare .	. . . . .	2.471 acres.
Are .	. . . . .	119.6 square yards.
Centare .	. . . . .	1,560 square inches.

Measures of Capacity.

METRIC DENOMINATIONS AND VALUES.			EQUIVALENTS IN DENOMINATIONS IN USE.	
Names.	Number of Liters.	Cubic Measure.	Dry Measure.	Liquid or Wine Measure.
Kiloliter or Stere	1,000	1 cubic meter	1.308 cubic yards	264.17 gallons.
Hectoliter	100	1-10 of a cubic meter	2 bush. and 3.35 pecks	26.417 gallons.
Decaliter	10	10 cubic decimeters	9.08 quarts	2.6417 gallons.
Liter	1	1 cubic decimeter	0.908 quart	1.0567 quart.
Deciliter	1-10	1-10 of a cubic decimeter	6.1022 cubic inches	0.845 gill.
Centiliter	1-100	10 cubic centimeters	0.6102 cubic inch	0.338 fluid ounce.
Milliliter	1-1000	1 cubic centimeter	0.061 cubic inch	0.27 fluid dram.

Weights.

METRIC DENOMINATIONS AND VALUES.			EQUIVALENTS IN DENOMINATIONS IN USE.	
Names.	Number of Grams.	Weight of What Quantity of Water at Maximum Density.	Avoirdupois Weight.	
Millier or Tonneau	1,000,000	1 cubic meter	2,204 6	pounds.
Quintal	100,000	1 hectoliter	220 46	pounds.
Myriagram	10,000	10 liters	22 046	pounds.
Kilogram or Kilo	1,000	1 liter	2 2046	pounds.
Hectogram	100	1 decaliter	3 5274	ounces.
Dekagram	10	10 cubic centimeters	0 3527	ounces.
Gram	1	1 cubic centimeter	15 432	grains.
Decigram	1-10	1-10 of a cubic centimeter	1 5432	grains.
Centigram	1-100	10 cubic millimeters	0 1543	grain.
Milligram	1-1000	1 cubic millimeter	0 0154	grain.

SECTION 3. The duties of the treasurer and receiver general and his deputy and the duties and responsibilities of the treasurer of each town, with respect to the keeping, care, verification and use of the standard weights and measures of the metric system, shall be the same as those established by law with respect to other standard weights and measures.

Duties of state and town treasurers.
1877, 40, § 4.
P. S. 66, § 2.
R. L. 63, § 3.
1907, 534, § 3.

SECTION 4. The deputy state sealer shall verify, adjust and seal all metric weights and measures brought to him for that purpose. The sealer of weights and measures in each town which has received the standard metric weights and measures shall verify, adjust and seal all metric weights and measures brought to him for that purpose from within the county in which such town is situated, and he shall receive a reasonable compensation therefor; but he shall claim no fees for any sealing, verification or adjustment for the performance of which he may otherwise receive compensation by salary paid by the town.

Sealing of metric weights and measures.
1877, 40, § 5.
P. S. 66, § 4.
1890, 426, § 9.
R. L. 63, § 4.
1907, 534, § 3.

SECTION 5. Every person who uses weights or measures of the metric system for the purpose of selling any goods, wares, merchandise or other commodities shall have them adjusted, sealed and recorded by an authorized sealer of weights and measures, and shall thereafter be responsible for the correctness and exactness of the same; and every person who illegally or fraudulently uses the metric weights or measures shall be liable to the same penalty to which he would have been liable if he had used other weights and measures.

Duties of persons using metric system.
1877, 40, § 6.
P. S. 66, § 5.

REVISED LAWS, CHAPTER 61.

Surveying of Land.

Annual test
of surveyors'
apparatus.
1871, 330, § 1.
P. S. 64, § 6.

SECTION 5. All apparatus for linear measurements used by a land surveyor shall be annually tested and proved by the sealer of weights and measures in the city or town in which such surveyor resides or has his office, and all chains, tapes or other apparatus used for linear measurements which cannot be made to conform to the standard shall be marked "*condemned*," or "CD." by the sealer of weights and measures, and shall not thereafter be used by any surveyor for measuring land, under a penalty of twenty dollars for each offence.

Appointment
of persons to
test.
1871, 330, § 2.
P. S. 64, § 7.

SECTION 6. The mayor and aldermen of a city or the selectmen of a town may appoint a suitable person, other than the sealer of weights and measures, to test and prove such measuring apparatus.

Tests to be
based upon
state stand-
ards.
1871, 330, § 3.
P. S. 64, § 8.

SECTION 7. The standards used for such tests shall be based upon and shall correspond to the standards furnished by the commonwealth to sealers of weights and measures.

Fees.
1871, 330, § 4.
P. S. 64, § 9.

SECTION 8. The fees for such testing and proof of each article of apparatus shall be twenty-five cents, and shall be paid by the person presenting the apparatus for test.

REVISED LAWS, CHAPTER 115.

Bank Weights.

Weights of
banks to be
proved every
five years.
1803, 141, § 2.
1828, 96, § 22.

SECTION 88. The directors of each bank, once in five years, shall have the weights used in it compared, proved and sealed by the treasurer and receiver general,

which shall supersede so far as respects such bank the sealing of its weights by the city or town sealer.

SECTION 89. No tender by a bank of gold, weighed with weights other than those compared, proved and sealed as required in the preceding section, shall be legal; and the payer or receiver may also require that the gold shall be weighed in each scale, and the mean weight resulting therefrom shall be considered the true weight.

R. S. 36, § 47.
G. S. 57, § 91.
P. S. 118, § 88.
No tender of gold valid, unless, etc.
1803, 141, § 2.
1828, 96, § 22.
R. S. 36, § 48.
G. S. 57, § 92.
P. S. 118, § 89.

REVISED LAWS, CHAPTER 196.

Mill Scales.

SECTION 63. A miller occupying and using a grist mill who neglects to provide himself with scales and weights or a vibrating steelyard to weigh corn, grain and meal to and from the mill, when required, or who refuses so to weigh corn, grain or meal when required, shall for each offence forfeit to any person who sues therefor not more than five dollars.

Millers to keep scales, etc.
C. L. 106, § 2.
1709-10, 3, § 3.
1728-9, 6, § 1, 2.
1762-3, 19, § 5.
1795, 74, § 8.
R. S. 116, § 59.
G. S. 149, § 65.
P. S. 190, § 71.

SECTION 64. The toll for grinding any kind of grain shall not exceed one-sixteenth part thereof.

1795, 74, § 9. R. S. 116, § 60. G. S. 149, § 66. P. S. 190, § 72.

Toll.
C. L. 106, § 2.
1709-10, 3, § 3.
1728-9, 6, § 2.
1762-3, 19, § 6.

ACTS OF 1914, CHAPTER 367.

An Act to regulate the Sale of Food Fish.

SECTION 1. All fresh food fish sold at wholesale shall be sold by weight at the time of delivery.

SECTION 2. Violation of any provision of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

REVISED LAWS, CHAPTER 56.

Fish.

Quintal,
weight of.
1837, 166.
G. S. 49, § 59.
P. S. 56, § 47.

Clam bait,
contents of
barrel of, etc.
1803, 155, § 7.
1838, 124.
1840, 63.
1844, 51.
1849, 48, §§ 1, 2.
G. S. 49, § 60.
1867, 347, § 1.
P. S. 56, § 48.

Weighers
of fish.
1888, 163, § 1.

Deputies.
1888, 163, § 2.

SECTION 27. If fish are sold by the quintal, it shall be understood to mean a quintal of one hundred pounds avoirdupois, and all contracts relative to fish sold in this manner shall be construed accordingly.

SECTION 28. If clam bait is sold by the barrel, it shall be construed to mean a fish barrel of not more than twenty-nine nor less than twenty-eight gallons, and containing twenty-six gallons of clams and not over three gallons of pickle. If a disagreement arises between the purchaser and seller respecting the quantity in a barrel, either party may have the barrel measured by the inspector of fish; and if it does not contain the aforesaid number of gallons of clams, the seller shall receive pay for the number of gallons it contains, and shall pay the expense of measuring and cooeping; otherwise the purchaser shall pay such expense.

SECTION 29. The mayor and aldermen of cities and the selectmen of towns in which salt water fish are landed from vessels shall annually appoint a public weigher of fish, who shall hold office for one year from the time of his appointment and until his successor is appointed, shall be sworn to the faithful performance of his official duties and shall give bond with sureties in the sum of five thousand dollars.

SECTION 30. He may appoint, subject to the approval of the mayor of the city or the chairman of the selectmen of the town, deputy weighers, for whose official conduct he shall be answerable, who shall be

sworn, and from each of whom such weigher shall require a bond with sureties in the sum of one thousand dollars. The weigher and his deputies shall not be interested directly or indirectly in the buying or selling of fish.

SECTION 31. All fish when landed from vessels or boats shall be weighed by such weigher or his deputies, upon the request or demand of the buyer or seller of such fish or of the master, agents or a majority of the crew of such vessel or boat; and the weigher shall issue a certificate of weight to the seller and a duplicate to the buyer.

Fish to be weighed upon request or demand.
1888, 163, § 3.

SECTION 32. The deputies shall make report to the weigher of the fish weighed by them, and he shall keep a complete record of such weight, with the date of weighing, the name of the vessel from which the fish were taken and the person for whom the fish were weighed. Such scales, beams, measures or balances as may be required by the weigher or his deputies shall be properly sealed according to law and be under his supervision.

Record of weight, etc., to be kept.
1888, 163, § 4.

SECTION 33. The fees for weighing shall be twenty cents per one thousand pounds, but in no case less than one dollar, and shall be paid by the person applying to have the fish weighed. The deputies shall pay to the weigher two cents per one thousand pounds for all fish weighed by them.

Fees for weighing.
1888, 163, § 5.

SECTION 34. A weigher or any of his deputies who violates his oath of office shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars and shall forfeit his position.

Penalty on weigher, etc., for violating oath of office.
1888, 163, § 6.

REVISED LAWS, CHAPTER 57.

Inspection and Sale of Various Articles.

BEEF.

Weighers of
beef.

1815, 99, § 1.
R. S. 28, § 36.
G. S. 49, § 3.
P. S. 60, § 1.

SECTION 1. In each city or town where beef cattle are sold for the purpose of market or barrelling, the mayor and aldermen or selectmen shall appoint one or more persons, conveniently situated in such city or town and not dealers in cattle, to be weighers of beef, who shall be sworn.

—fees of.

1815, 99, § 3.
R. S. 28, § 38.
G. S. 49, § 4.
P. S. 60, § 2.

SECTION 2. Fees for weighing cattle shall be paid by the vendor and shall be twenty cents for each of the first five; fifteen cents for each of the second five; ten cents each from eleven to twenty, inclusive; five cents for each above twenty; also twelve and one-half cents for each certificate which shall contain the weight of each of the cattle weighed for one person, unless the vendor requests a division thereof.

BREAD.

Weight of
loaves.

C. L. 8. —
1696, 9.
1720-21, 2.
1859, 174, § 3.
G. S. 49, § 5.

SECTION 3. A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold in whole, half, three-quarter and quarter loaves, but not otherwise.

P. S. 60, § 3.

152 Mass. 522.

Price list to be
displayed.

1859, 174, § 3.
G. S. 49, § 6.
P. S. 60, § 4.
R. L. 57, § 4.
1909, 191.

SECTION 4. In each shop or place where bread is sold by retail a legibly printed price list of the different kinds and qualities of loaves sold there, with the price thereof by the loaf and by the half, three quarter and quarter loaf, shall be conspicuously placed.

Bread to be
weighed, etc.
1800, 76, § 1.

SECTION 5. Bread, when sold, shall, upon request of the buyer, be weighed in his presence and, if found

deficient in weight, additional bread shall be delivered to make up the legal weight.

1859, 174, § 4.
G. S. 49, § 7.
P. S. 60, § 5.

SECTION 6. Whoever violates any provision of the preceding three sections shall be punished by a fine of not more than ten dollars for each offence. The sealer of weights and measures in the respective cities and towns, or the commissioner of weights and measures of the commonwealth, shall cause the provisions of the said three sections to be enforced.

Penalty.
Sealers to
cause en-
forcement.
1800, 76, § 2.
1859, 174, § 5.
G. S. 49, § 8.
R. L. 57, § 6.
1908, 197.

SECTION 7. The provisions of the four preceding sections shall not apply to rolls or to fancy bread weighing less than one quarter of a pound, nor to bread sold or offered for sale in wrapped or package form having the net quantity of the contents plainly and conspicuously marked on the outside of the covering or container as provided by chapter six hundred and fifty-three of the acts of the year nineteen hundred and fourteen.

Rolls and
fancy bread.
1859, 174, §§ 2, 4.
G. S. 49, § 9.
P. S. 60, § 7.
R. L. 57, § 7.
G. A. 1916, 157.

CHOCOLATE.

[See sections 8 to 10.]

COMMERCIAL FERTILIZERS AND COMMERCIAL FEED STUFFS.

[See sections 11 to 20.]

FRUITS, NUTS AND VEGETABLES.

SECTION 21. All fruits, vegetables and nuts, except as hereinafter otherwise provided, shall be sold at retail by dry measure, weight or by numerical count, and all fruits and vegetables for which a legal weight has been established, except peas and beans sold in quantities of four quarts or less for seeding or planting purposes, shall be sold at retail only by weight or numerical count.

Fruits, etc.,
to be sold at
retail by
weight, meas-
ure or count.
1695-6, 9, § 9.
1700-1, 10.
1858, 68, § 1.
G. S. 49, § 61.
P. S. 60, § 18.
R. L. 57, § 21.
1912, 246.
1913, 713.

Whoever violates any provision of this section shall forfeit a sum not exceeding ten dollars for each offence.

Sale of certain
berries.

SECTION 22. Baskets or other receptacles holding one quart or less which are used or intended to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, raspberries or gooseberries shall be of the capacity of one quart, one pint or one-half pint, Massachusetts standard dry measure. Whoever sells or

Size of baskets.
1900, 339.
1901, 327.
R. L. 57, § 22.
1909, 350.

offers for sale a basket or other receptacle holding one quart or less to be used in the sale of any of the aforesaid fruit which does not conform to said standard, and whoever sells or offers for sale any of the aforesaid fruit in any basket or other receptacle holding one quart or less which does not conform to said standard, shall be punished by a fine of not less than five nor more than ten dollars for each offence. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter sixty-two, but the sealer or deputy sealer of weights and measures of any city or town or the deputy sealer of the commonwealth may, if he so desires, and shall, upon complaint, test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure he shall seize the same and make complaint against the vendor.

Penalty.

Nuts, etc.,
measured by
the strike.
1850, 261, § 1.
1861, 238, § 1.
G. S. 49, § 62.
P. S. 60, § 19.

SECTION 23. Chestnuts, walnuts, cranberries and all other berries when sold shall, subject to the provisions of the preceding section, be measured by the strike or level measure.

SECTION 24. [Repealed by chapter 408, Acts of 1903.]

GRAIN AND MEAL.

SECTION 25. In all contracts for the sale and delivery of wheat, corn, rye, oats, barley, buckwheat, cracked corn, ground corn or corn meal, ground rye or rye meal, or feed, or any other meal except oatmeal, cider apples, beans or peas, the same shall, except as provided in chapter sixty-two, be bargained for and sold either by the bushel or by the cental.

Grain and meal, how sold.
1813, § 1.
R. S. 28, § 180.
1840, § 2, § 1.
1855, 232, § 1.
G. S. 49, § 63.
1880, 158, § 2.
P. S. 60, § 21.
1888, 414, § 1.
114 Mass. 433.

SECTION 26. The mayor and aldermen of cities and selectmen of towns shall annually appoint one or more measurers of grain; and if only one is appointed by them, they may authorize him to appoint deputy-measurers.

Measurers to be appointed.
C. L. 156, § 2.
1742-3, § 4, § 5.
1762-3, 19, § 2.
1855, 232, § 2; 422.
G. S. 49, § 65.
P. S. 60, § 23.

SECTION 27. Each of such measurers and deputies shall, upon request of a party to a contract for the sale by the bushel of any quantity exceeding one bushel of either of the articles mentioned in section four of chapter sixty-two, ascertain the weight thereof and give a certificate of the number of bushels, as ascertained by weight according to the rule prescribed in said section.

— duties of.
1762-3, 19, § 3.
1855, 232, § 2; 422.
G. S. 49, § 65.
P. S. 60, § 24.

SECTION 28. Whoever sells or delivers by the bushel any quantity, exceeding one bushel, of either of the articles aforesaid, if the same has not been weighed by one of the measurers of grain, shall forfeit to the purchaser two dollars for every measured bushel so delivered which does not contain the required number of pounds.

Penalty for short weight.
1840, § 2, § 2.
1855, 232, § 3.
G. S. 49, § 66.
P. S. 60, § 25.

SECTION 29. If said articles are sold by the cental, the measurers and their deputies, upon application as before provided, shall give a certificate of the number of centals of the same; and whoever sells and delivers a

Certificate of sale by cental.
1880, 158, § 3.
P. S. 60, § 26.

quantity of the same exceeding one cental, if it has not been weighed by said measurers, shall forfeit to the purchaser ten dollars for every lot, purporting to be a cental, which contains less than one hundred pounds.

Fees of
measurers.
1762-3, 19, § 3.
1855, 232, § 4.
G. S. 49, § 67.
P. S. 60, § 27.

SECTION 30. The fees of measurers of grain shall be prescribed by the mayor and aldermen or by the selectmen of the several places in which they are appointed, and one-half shall be paid by the seller and one-half by the purchaser.

Penalty for
false weights
or collusion.
1762-3, 19, § 4.
1855, 232, § 5.
G. S. 49, § 68.
P. S. 60, § 28.

SECTION 31. If a measurer or deputy measurer uses, or has in his possession with intent to use for the purposes herein provided, any false weight, scale, balance or other instrument for weighing, or colludes with the purchaser or seller with intent to defraud the other party, or makes and utters a false and fraudulent certificate under the provisions of this chapter, he may be removed from office by the mayor and aldermen or selectmen, and shall also on conviction thereof be punished by a fine of not more than five hundred dollars and by imprisonment for not more than six months.

GUNPOWDER.

Size of casks,
etc., for
gunpowder.
1823, 121, § 1.
R. S. 23, § 92.
G. S. 49, § 69.
P. S. 60, § 29.

SECTION 32. Gunpowder manufactured in this commonwealth shall be put into strong and tight casks containing twenty-five, fifty or one hundred pounds each, or quantities of not more than five pounds, into copper, brass or tin canisters and closely covered with copper, brass or tin covers.

Casks to be
marked, etc.
1808, 52, §§ 3, 8.
1823, 121, § 2.
R. S. 23, § 93.

SECTION 33. Each cask containing gunpowder manufactured within this commonwealth, or brought into the same by land, or by water and landed, shall be

marked on the head with black paint in legible characters with the word "gunpowder," the name of the manufacturer, the weight of the cask and the year in which the powder was manufactured; and each canister of gunpowder shall be marked with the word "gunpowder."

G. S. 49, § 70.
P. S. 60, § 30.

SECTION 34. Whoever knowingly marks a cask of gunpowder with the name of any person other than the manufacturer thereof, or changes gunpowder from a cask marked with the name of one manufacturer into a cask marked with the name of another manufacturer, shall for each offence forfeit not more than twenty dollars.

Penalty for
falsely
marking, etc.
1808, 52, § 6.
1823, 121, § 3.
R. S. 28, § 94.
G. S. 49, § 71.
P. S. 60, § 31.

HAY AND STRAW.

SECTION 35. If the city council of a city or a town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, the mayor and aldermen or selectmen may from time to time appoint, for a term not exceeding one year, weighers of hay who shall have the superintendence of the hay scales belonging to such city or town, and shall weigh hay offered for sale therein and any other article offered to be weighed. Such weighers of hay may be at any time removed by such mayor and aldermen or selectmen. Cities and towns may establish ordinances and by-laws for the regulation of hay scales and of the compensation of weighers of hay. A person who, not having been so appointed, sets up hay scales in a city or town for the purpose of weighing hay or other articles shall forfeit to the use of such city or town twenty dollars a month, so long as such scales are continued.

Weighers
of hay.
Public
weighers.
Hay scales.
1824, 102.
R. S. 15, § 38;
23, §§ 95-98.
G. S. 18, § 37;
49, §§ 72-75.
P. S. 60,
§§ 32-34.

Inspectors of
pressed hay
and straw.
1835, 128.
1847, 246, §§ 1,
2, 6.
G. S. 49, §§ 78,
82.
1861, 67.
P. S. 60,
§§ 35, 39.

SECTION 36. The mayor and aldermen of a city or the selectmen of a town in which pressed or bundled hay or straw is sold may, on the petition of ten or more voters thereof, annually appoint one or more inspectors of pressed or bundled hay and straw, who shall be sworn. They may remove any inspector so appointed, fill any vacancy and fix the fees for inspecting, weighing and marking, which shall be paid by the person employing the inspector.

— duties of.
1847, 246, §§ 3, 5.
G. S. 49,
§§ 79, 81.
1861, 67.
P. S. 60,
§§ 36, 38.

SECTION 37. Each inspector shall provide himself with proper scales, weights, seals and other suitable instruments, and, on request of the owner or seller, shall inspect and weigh all pressed or bundled hay and straw within the limits of the city, town or ward for which he may be appointed.

Pressed hay
and straw, how
numbered
and marked.
1836, 240, § 1.
1847, 246, § 4.
G. S. 49, § 80.
1861, 67.
P. S. 60, § 37.

SECTION 38. Bales or bundles of hay or straw so inspected which are found to be sweet, of good quality and free from damage or improper mixture shall be branded or marked "No. 1." Such bales or bundles of hay or straw of a secondary quality shall be branded or marked "No. 2." Bales or bundles of hay or straw found to be wet or damaged or which contain substances not valuable as hay or straw, as the case may be, shall be branded or marked "Bad." Each bale or bundle so inspected shall be branded or marked with the name of the inspector, the city or town for which he is appointed, the month and year when the inspection is made and the net weight of the bundle.

Penalty for
selling without
inspection, etc.
1836, 240, § 2.
1847, 246, § 7.
G. S. 49, § 83.
1861, 67.

SECTION 39. Whoever, in a city or town for which an inspector is appointed, sells pressed or bundled hay or straw which has not been inspected and weighed as before provided shall forfeit two dollars for each bale or

bundle so sold; but no such inspection and weighing need be made unless the vendee at the time of purchase requires it.

P. S. 60, § 40.
R. L. 57, § 39.
1902, 459.

ICE.

SECTION 44. Whoever, being engaged in the business of selling ice at retail, refuses to sell, from any place or vehicle engaged in the regular distribution of ice at retail, a piece of ice at the fair value thereof to any person, other than an ice dealer, shall, if such person tenders in payment therefor the amount of five cents or any multiple thereof not more than fifty cents in legal money of the United States, be punished by a fine of not more than one hundred dollars.

Sale of ice
at retail.
1900, 448.
219 Mass. 121.
225 Mass. 78.

SECTION 45. A dealer in ice who refuses or neglects to provide scales for each wagon used by him for the delivery of ice or, on request of the purchaser of ice, refuses or neglects to weigh the same when delivered or gives false weight shall for each offence be punished by a fine of not more than fifty dollars.

Ice dealers to
have scales.
1890, 276, §§ 1, 3.
R. L. 57, § 45.
1907, 394.
1911, 163.
216 Mass. 126.

SECTION 46. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered or gives false weight, shall be punished by a fine of not more than ten dollars.

Penalty.
1890, 276, § 2.
R. L. 57, § 46.
1907, 394.
1911, 163.
216 Mass. 126.

NAILS.

SECTION 55. Wrought nails, cut nails, wire nails and brads of all sizes, manufactured in this commonwealth shall be well made and packed free from waste pieces of iron, unless they are refuse nails or brads, and free from any fraudulent mixture increasing the

Nails and
brads, how to
be made and
packed.
1799, 64, § 5.
1802, 103, § 5.
1826, 122, § 1.
R. S. 28,
§§ 163, 164.

G. S. 49, § 152.
P. S. 60, § 56.
1892, 63, § 1.

Casks, how
branded.
1799, 64, § 1.
1802, 103, § 5.
1826, 122, § 1.
1837, 111, § 1.
G. S. 49, § 153.

Penalty for
selling, etc., of
casks, etc., of
nails not
branded.
1799, 64, § 4.
1802, 103, § 6.
1826, 122, § 2.
R. S. 28, § 165.
G. S. 49, § 154.
P. S. 60, § 58.
1892, 63, § 2.

— for counter-
feiting a brand,
etc.
1799, 64, § 8.
1802, 103, § 7.
1826, 122, § 3.
R. S. 28, § 166.
G. S. 49, § 155.
P. S. 60, § 59.
1892, 63, § 3.

Disposition of
forfeitures.
1799, 64, §§ 4, 9.
1802, 103, § 9.
1826, 122, § 5.

weight, in strong and sufficient casks of seasoned timber, well hooped, containing not more than three hundred pounds each.

SECTION 56. Every cask of wrought, cut or wire nails or brads shall be marked or branded on the head by the manufacturer, in plain, legible letters, with his name and the net weight of the contents of the cask.

P. S. 60, § 57.

1892, 63, § 1.

SECTION 57. If a cask, package or quantity of wrought or cut nails, wire nails or brads, manufactured in this commonwealth or elsewhere, and not so branded or marked, is offered or exposed for sale within this commonwealth or put on board a vessel or carriage of conveyance, unless to be carried out of this commonwealth, it shall be forfeited.

SECTION 58. Whoever counterfeits a brand used or intended to be used for the purpose of marking a cask of nails or brads, or destroys or alters a mark or impression made by another person's brand on a cask of wrought or cut nails, wire nails or brads, and causes a different impression by such counterfeit brand to be marked or impressed thereon, or shifts any such nails or brads from one branded cask to another and thereby avails himself of another person's brand, shall forfeit twenty dollars.

SECTION 59. All forfeitures recovered under the provisions of the two preceding sections shall be divided equally between the informer and the commonwealth.

R. S. 28, § 168.

1892, 63, § 4.

POTATOES, ONIONS AND SALT.

SECTION 60. In order to ascertain the mean or true weight of potatoes, onions or salt, the vendor shall weigh ten measures at least in every hundred bushels, five measures at least in every fifty bushels and two measures at least in every less quantity than fifty bushels sold, unless the vendor and vendee appoint a third person to measure or ascertain the weight or quantity of the same or unless they agree on such weight or quantity, or unless the amount sold does not exceed ten bushels and the vendee does not require the same to be weighed. Whoever sells potatoes, onions or salt, without so ascertaining the weight, shall forfeit two dollars for every bushel sold and in like proportion for a greater or less quantity, to the use of the person who first prosecutes therefor.

Sales of
potatoes,
onions and
salt.
1817, 130.
R. S. 28, § 199.
1847, 14.
1856, 271.
G. S. 49, § 180.
P. S. 60,
§§ 61, 62.

SEWING-THREAD.

SECTION 61. Every manufacturer of cotton, linen or silk sewing-thread, and every person engaged in putting up such thread on spools, or in packages of four ounces weight or less not wound on spools, shall, before the same is offered for sale, affix to or impress upon each spool of such thread, and upon each package of such thread not wound on spools, a label or stamp designating the quantity of thread which each spool or package contains, either by giving the length in yards or by giving the weight.

Sewing-thread
to be labelled.
1869, 120, § 1.
1878, 169, § 1.
1880, 119, § 1.
P. S. 60, § 63.

SECTION 62. Any such person who neglects to affix such label to or to impress such stamp upon each spool

Penalty for
neglect to
affix label.

1869, 120, § 2.
1878, 169, § 2.
P. S. 60, § 64.

and package of thread, or affixes to or impresses upon, or causes or suffers to be affixed to or impressed upon, any spool or package of thread intended for sale, a label or stamp specifying that such spool or package contains a greater number of yards or a greater quantity of thread by five per cent than such spool or package contains, shall forfeit five dollars for each spool or package so without a label or stamp or falsely labelled or stamped, which is sold or delivered to any person to be sold, one-half of which shall be to the use of the commonwealth and one-half to the use of the person who sues therefor.

Penalty for
selling thread
falsely labelled.
1869, 120, § 3.
1878, 169, § 1.
1880, 119, § 1.
P. S. 60, § 65.

SECTION 63. A merchant, jobber or trader who sells or offers for sale cotton, linen or silk sewing-thread, put up either on spools, or in packages of the weight of four ounces or less not wound on spools, which is not labelled or stamped, or which is falsely labelled or stamped as regards length or quantity by an amount greater than five per cent of the true length or quantity, shall be liable to the penalty provided in the preceding section.

Certain
bobbins
exempted.
1878, 169, § 5.
P. S. 60, § 66.

SECTION 64. Ready wound bobbins of thread adapted for use in sewing machine shuttles shall be exempt from the provisions of the three preceding sections.

TIMOTHY OR HERDSGRASS SEED.

Sale of timothy
regulated.
1863, 124.
P. S. 60,
§§ 67, 68.

SECTION 65. All contracts for the sale and delivery of timothy or herdsgrass seed shall, except as provided in chapter sixty-three, be made by the standard weight prescribed in section four of chapter sixty-two. Whoever violates the provisions of this section shall forfeit not more than twenty dollars for each offence.

WOOD AND BARK.

SECTION 75. The city council of a city and a town shall annually choose one or more measurers of wood and bark, who shall hold office during the year and until others are chosen and qualified in their stead, and who shall be sworn. Towns may, by vote fixing the number to be chosen, delegate the appointment of such measurers to the selectmen.

P. S. 60, § 72.

Measurers of wood and bark.
C. L. 156.
1705-6, 8, § 2.
1758-9, 16, § 2.
1772-3, 8, § 2.
1779-80, 17, § 2.
1796, 67, § 2.
R. S. 15,
§§ 33, 38.
G. S. 18,
§§ 31, 37.

SECTION 76. Such measurers may, in the manner prescribed for surveyors of lumber in section seven of chapter sixty, be licensed to act in a town adjoining that for which they are elected or appointed.

— may act in adjoining town.
1884, 83, § 2.

SECTION 77. Cord wood exposed for sale shall be either four, three or two feet long, including half the kerf; and the cord of wood, being well and closely laid together, shall measure a quantity equal to a cord of eight feet in length, four in width and four in height.

R. S. 28, § 200. G. S. 49, § 181. P. S. 60, § 73. 2 Allen, 317.

Cord wood, dimensions of.
C. L. 156, § 2;
160.
1705-6, 8, § 1.
1758-9, 16, § 1.
1772-3, 8, § 1.
1796, 67, § 1.
1827, 19, § 1.

SECTION 78. If firewood or bark which is exposed for sale in a market or upon a cart or other vehicle is offered for sale before it has been measured by a public measurer of wood and bark and before a ticket thereof signed by him has been delivered to the driver, certifying the quantity which the load contains, the name of the driver and the place in which he resides, the driver and owner shall for each load thereof severally forfeit five dollars.

Penalty for selling wood, etc., not measured.
1758-9, 16, § 3.
1772-3, 8, § 3.
1779-80, 17, § 1.
1796, 67, § 3.
R. S. 28, § 201.
G. S. 49, § 182.
P. S. 60, § 74.
7 Cush. 371.

SECTION 79. Measurers of wood and bark in any city or town shall be entitled to such fees for their services as the mayor and aldermen or selectmen shall establish; and the fees shall in each case be paid to the

Fees of measurers.
C. L. 156.
1705-6, 8, § 2.
1710-11, 4.
1758-9, 16, § 2.

1772-3, 8, § 2.
1779-80, 17, § 2.
1796, 67, § 2.

Measurement of
water-borne
wood.

1799, 26, § 1.
1830, 27, § 2.
R. S. 28, § 203.
G. S. 49, § 184.
P. S. 60, § 76.

measurer by the driver and shall be repaid by the purchaser. R. S. 28, § 202. G. S. 49, § 183. P. S. 60, § 76.

SECTION 80. Cord wood brought by water into a city or town for sale, and landed, shall be measured by a public measurer; and for that purpose the wood shall be corded and piled by itself in ranges, making up in height what shall be wanting in length, and, being so measured, a ticket shall be given to the purchaser, who shall pay the stated fees for such service. Cities and towns may establish ordinances and by-laws, with suitable penalties, for the inspection, survey, measurement and sale of wood, coal and bark for fuel brought into such places for sale, and may also provide for the appointment of inspectors, surveyors and other officers and establish their fees.

Tickets
showing
quantity in
load.
1753-9, 16,
§§ 4, 5.
1772-3, 8, §§ 4, 5.
1779-80, 17, § 1.
1796, 67, § 4.
1799, 26, § 2.
R. S. 28, § 204.
G. S. 49, § 185.
P. S. 60, § 77.

SECTION 81. Each wharfinger, carter or driver who conveys firewood or bark from a wharf or landing place shall be furnished by the owner or seller with a ticket certifying the quantity which the load contains and the name of the driver; and if firewood or bark is thus conveyed without such ticket accompanying the same, or if a driver refuses to produce and show such ticket on demand to any sworn measurer, or to give his consent to have the same measured, or if such ticket certifies a greater quantity of wood or bark than the load contains in the opinion of the measurer after measuring the same, the driver and owner shall for each load thereof forfeit five dollars. The provisions of this chapter shall not extend to a person who transports, carts or causes to be transported or carted from a wharf or landing place to his own dwelling house or store cord wood or bark which he has purchased on a wharf or landing

place, or which he has landed thereon upon his own account.

SECTION 82. The city council of a city may establish ordinances, with suitable penalties, not exceeding five dollars for any one violation thereof, for the regulation of the sale of prepared wood, slabs and edgings for fuel, when sold by the load, and for the inspection, survey, measurement and sale of bark for fuel or manufacturing purposes brought into said city for sale, whether the same is exposed for sale in ranges or upon a cart or other vehicle; and said city may provide for the appointment of such surveyors, inspectors and other officers as may be necessary to carry into effect said ordinances and may establish their fees.

Inspection and
sale of bark.
1830, 27.
1854, 361.
G. S. 49, § 186.
P. S. 60, § 78.
1891, 136.

COAL, COKE AND CHARCOAL.

SECTION 83. The mayor and aldermen of a city or the selectmen of a town shall appoint, and may remove, weighers of coal, one of whom at least shall not be engaged in the business of selling coal, who shall be sworn, and by whom all coal shall be weighed. No person shall be ineligible for appointment because of the fact that he is not a resident of such city or town, notwithstanding provisions to the contrary in any general or special act or city charter.

Weighers
of coal.
1849, 143, § 4.
1850, 25.
1855, 188, §§ 3, 5.
G. S. 49, § 188.
1855, 191, § 1.
1870, 205, § 2.
P. S. 60, § 80.
R. L. 57, § 83.
1902, 159; 453,
§ 1.

SECTION 84. Coal shall be sold by weight, and, except when sold by cargo, two thousand pounds avoirdupois shall be the standard for the ton. Coal, in quantities of less than one hundred pounds, shall be sold in bags or baskets, and shall be kept until delivered in the same bags or baskets in which the goods are weighed,

Coal to be sold
only by weight.
1849, 143, § 1.
1850, 25.
1855, 188, § 1.
G. S. 49, § 187.
1870, 205, § 1.
P. S. 60, § 79.
1884, 70.
1894, 429, §§ 1-3.

1901, 423, § 1.
R. L. 57, § 84.
1907, 228, § 1.

Bags or
baskets to be
marked.

and coal thus sold shall be exempt from the provisions of section eighty-eight of this chapter. Such bags or baskets shall be plainly marked with the name of the person who puts up the same and the weight of the coal therein with words in solid Roman capital letters at least one inch in height.

SECTION 85. [Repealed by chapter 228, Acts of 1907.]

Sale of coke
and charcoal.
1901, 423, § 1.
R. L. 57, § 86.
1908, 208, § 1.

SECTION 86. Coke in quantities of less than one hundred pounds, and charcoal in any quantities, shall be sold by weight or by measure, and shall be kept until delivered in the same bags or baskets in which the goods are weighed or measured, and coke and charcoal thus sold shall be exempt from the provisions of section eighty-eight of this chapter. When sold by weight, such bags or baskets shall be plainly marked with the name of the person who puts up the same and the weight of the coke or charcoal therein, the words so marked being in solid Roman capital letters, at least one inch in height. Coke sold in quantities of one hundred pounds or more shall be sold only by weight.

SECTION 87. [See section 1, chapter 424, Acts of 1909, page 70.]

Weighing and
certificate.
1901, 423, § 3.
R. L. 57, § 88.
1902, 453, § 2.
1908, 304.
1910, 219, § 1.

SECTION 88. Whoever sells coke, charcoal or coal by weight shall without cost to the purchaser cause the goods to be weighed by a sworn weigher of the city or town in which they are weighed, and shall cause a certificate stating the name and place of business of the seller, and either the identifying number, of which a permanent record shall be kept, or the name of the person taking charge of the goods after the weighing, as given to the weigher on his request, the tare weight, and

the quantity of the goods, to be signed by the weigher. Such certificate shall be given to said person and shall by him be given only to the owner of the goods or his agent when he unloads the same; and every such person, owner or agent shall, on request and without charge therefor, permit any sealer of weights and measures of any city or town to examine the certificate and to make a copy thereof.

SECTION 89. A sealer of weights and measures of a city or town in which any quantity of coke, charcoal or coal for delivery is found may, in his discretion, direct the person in charge of the goods to convey the same without delay or charge to scales designated by such sealer, who shall there determine the quantity of the goods, and, if they are not in baskets or bags, shall determine their weight with the tare weight, and shall direct said person to return to such scales forthwith after unloading the goods; and upon such return, the sealer shall determine the tare weight. The scales designated by the sealer as aforesaid may be the public scales of the city or town or any other scales therein which have been duly tested and sealed, and shall be such scales as are in his judgment the most convenient of those available.

Sealer may direct goods to be weighed.
1901, 423, § 4.
R. L. 57, § 89.
1902, 453, § 3.
1910, 219, § 2.

SECTION 90. A sealer of weights and measures of a city or town and a sworn weigher shall keep in a book used by him solely for that purpose a record of all baskets sealed by him as aforesaid, and of all weighings and determinations of quantities of coke, charcoal or coal made by him as aforesaid. Such record shall be made at the time of measuring or weighing, and shall state the day and hour of the measuring or weighing,

Record to be kept of weights and measures.
1901, 423, § 5.

the name and place of business of the seller of the goods, the name of the owner of the baskets or of the purchaser of the goods as given to him on his request by the person taking charge of the baskets or goods after weighing or measuring, the capacity of the baskets measured or quantity of goods determined, and the name of said person, and, in the case of a re-weighing as aforesaid, shall state the weight as given in the certificate and as determined by him. No charge shall be made by any such sealer for anything done under the provisions of this and the two preceding sections.

Penalty.
1901, 423, § 6.
R. L. 57, § 91.
1902, 453, § 4.
216 Mass. 126.

SECTION 91. Whoever violates any provision of the seven preceding sections or fails to comply with any request for information or direction made under authority thereof, or gives a false answer to any such request, shall for each offence be punished by a fine of not more than fifty dollars; and whoever shall be guilty of any fraud or deceit relative to the weighing, selling or delivering of coke, charcoal or coal, shall for each offence be punished by a fine of not more than one hundred dollars. Sealers of weights and measures shall cause the provisions of the seven preceding sections to be enforced in their respective cities and towns.

— for having
illegal coal, etc.,
measures.
1758-9, 16, § 6.
1772-3, 8, §§ 6, 8.
1833, 193, § 2.
R. S. 28, § 208.
1852, 302, § 1.
1853, 305, § 3.
1859, 250, §§ 1, 2.
G. S. 49, § 193.
P. S. 60, § 87.
1883, 218, § 2.
1884, 70.
1894, 429, § 4.

SECTION 92. A vendor of coal, coke or charcoal who has in his possession a basket, bag or other measure which does not conform in every particular to the requirements respecting it, with intent to use or permit it to be used in measuring coal, coke or charcoal sold or offered for sale, shall be punished by a fine of not more than twenty dollars, and such basket, bag or measure shall be destroyed.

SECTION 93. The mayor and aldermen of a city or the selectmen of a town shall appoint one or more persons whose duty it shall be to seize all baskets, bags or measures used or intended to be used for measuring coal, coke or charcoal, which do not conform to the foregoing provisions, to arrest without warrant any person who has in his possession such baskets, bags or measures and to prosecute him under the provisions of the preceding section. The tribunal by which he is convicted shall order said baskets, bags and measures to be destroyed.

Seizure of illegal measures; arrest, etc.
1753-9, 16, § 7.
1772-3, 8, § 8.
1796, 67, § 6.
R. S. 28, § 206.
1852, 302, § 2.
1853, 305, § 4.
1859, 250, §§ 1, 2.
G. S. 49, § 194.
P. S. 60, § 88.

REVISED LAWS, CHAPTER 65.

Of Itinerant Vendors, Hawkers and Pedlers.

SECTIONS 1-12. — Itinerant Vendors.

SECTIONS 13-29. — Hawkers and Pedlers.

ITINERANT VENDORS.

SECTION 1. The term "itinerant vendor" for the purposes of this chapter shall mean and include any person, either principal or agent, who engages in a temporary or transient business in this commonwealth, either in one locality or in travelling from place to place selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies a building or structure for the exhibition and sale of such goods, wares and merchandise.

"Itinerant vendor" defined.
1890, 448, § 1.
156 Mass. 215.
164 Mass. 338.
R. L. 65, § 1.

SECTION 2. The provisions of the first twelve sections of this chapter shall not apply to sales by commercial travellers or by selling agents to dealers in the usual course of business, nor to bona fide sales of goods,

Not to apply to commercial travellers, etc.
1890, 448, §§ 2, 5.
R. L. 65, § 2.
G. A. 1917,
237, § 1.

wares or merchandise by sample for future delivery, nor to sales of goods, wares and merchandise by any person, whether principal or agent, who engages in temporary or transient business in any city or town in which he has paid taxes upon his stock in trade during the current year, nor to hawkers and peddlers as defined in section thirteen as amended by section one of chapter two hundred and forty-two of the General Acts of the year nineteen hundred and sixteen, nor shall they affect the right of any city or town to pass ordinances or by-laws authorized by law relative to itinerant vendors.

License, de-
posit and fee.
1890, 448,
§§ 6-7, 14.
R. L. 65, § 3.
G. A. 1916,
120, § 1.
G. A. 1917,
237, § 2.

SECTION 3. Every itinerant vendor, whether principal or agent, shall, before commencing business in this commonwealth, make application in writing, under oath, to the commissioner of weights and measures for a license, stating the names and residences of the owners or parties in whose interest said business is conducted, shall make a special deposit of five hundred dollars with the commissioner or shall give a bond in the sum of five hundred dollars, payable to the commissioner and his successors, with sureties approved by the commissioner, conditioned upon (1) compliance with the provisions of this chapter, (2) payment of all fines or penalties incurred by him through violations of the provisions of this chapter, and (3) payment or satisfaction of any judgment obtained against him in behalf of any creditor whose claim arises in connection with the business done under the licensee's state license and who, before the expiration of sixty days from the date of the expiration or return and cancellation of the said state license, shall have given due notice of his claim to the commissioner;

and pay to him a state license fee of twenty-five dollars. The commissioner shall thereupon issue to him an itinerant vendor's license authorizing him to do business in this commonwealth for the term of one year from the date thereof. Every license shall contain a copy of the application therefor, shall not be transferable, shall not authorize more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, shall expire in one year from the date thereof and may be earlier surrendered for cancellation. A licensee may have the assistance of one or more persons in conducting his business who may aid him but not act for or without him.

SECTION 4. The commissioner of weights and measures shall keep on file all applications for licenses and a record of all licenses issued thereon. All files and records of said commissioner and of the respective city or town clerks shall be in convenient form and open to public inspection.

Application
for license
to be filed.
1890, 448, § 7.
R. L. 65, § 4.
G. A. 1916,
120, § 2.

SECTION 5. Before selling under said state license every itinerant vendor shall pay a local license fee to the clerk of the city or town in which he proposes to make sales. Such fee shall be ascertained in the manner provided in the following section, and upon the payment thereof and proof of the payment of all other license fees, if any, chargeable upon local sales, the clerk shall record the state license of such vendor in full, shall indorse upon it the words "local license fees paid" and affix thereto his official signature and the date of such endorsement.

Local license
and fees.
1890, 448, §§ 5, 8.
R. L. 65, § 5.

SECTION 6. Every itinerant vendor, before making any sales of goods, wares and merchandise in a city or

Local license
fee, how fixed.
1890, 448, § 9.

1894, 525.
R. L. 65, § 6.

town, shall make application for a local license to the mayor and aldermen or selectmen or other board authorized to issue such licenses and shall file a true statement, under oath, of the average quantity and value of the stock of goods, wares and merchandise kept or intended to be kept or exposed by him for sale. The mayor and aldermen or selectmen or other such board shall submit said statement to the assessors of said city or town, who shall forthwith, after examination and valuation of such goods, wares and merchandise, transmit a certificate thereof to the mayor and aldermen or selectmen or other such board, who may authorize the city or town clerk, upon the payment by the applicant of a fee equal to the taxes assessable in said city or town under the last preceding tax levy therein upon an amount of property equal to said valuation, to issue to him a license authorizing the sale of such goods, wares and merchandise within such city or town. Such license shall remain in force so long as the licensee shall continuously keep and expose for sale in such city or town such stock of goods, wares and merchandise, but not later than the first day of May following its date. The mayor and aldermen or selectmen or other such board may grant such license without the filing of said statement as aforesaid upon the payment of a license fee to be fixed by them.

Penalty for
neglect to file
statement.
1890, 448, § 10.
R. L. 65, § 7.

SECTION 7. Whoever, being an itinerant vendor, neglects or refuses to file the statement described in the preceding section, if required by the mayor and aldermen or selectmen or other such board, or makes a false or fraudulent representation in said statement, shall be punished by a fine of not less than five nor more than

twenty dollars for each day during which such goods, wares or merchandise are kept or exposed for sale.

SECTION 8. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, executor's, administrator's, receiver's, wholesale, manufacturers' wholesale or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise or in any similar form, unless he shall before so doing state under oath to the commissioner of weights and measures, either in the original application for a state license or in a supplementary application subsequently filed, all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares or merchandise were obtained, the date of delivery to the person applying for the license, the place from which said goods, wares and merchandise were last taken and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold, and said statement shall be copied on the state license.

Bankrupt
sales, etc.,
regulated.
1890, 448, § 12.
R. L. 65, § 8.
G. A. 1916,
120, § 3.

SECTION 9. Every itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares or merchandise without state and local licenses therefor, properly indorsed, or files any application, original or supplementary, which contains any false statement, or being licensed fails to comply with all the requirements of the preceding section and every person, both principal and agent, who, by circular, handbill, newspaper or in any other manner, advertises any such unlicensed sales, shall be punished by a fine of not more

Penalty for
selling with-
out license,
etc.
1890, 448,
§§ 2, 4, 8, 13.
R. L. 65, § 9.
1902, 544.

than fifty dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Action for
recovery of
license fee.
1890, 448, § 11.
R. L. 65, § 10.

SECTION 10. If a person who is liable therefor, after demand made by the clerk of the city or town in which he is located, refuses or neglects to pay the license fee provided for in section five, the clerk may, in his own name but for the use and benefit of such city or town, maintain an action of contract therefor by trustee process or otherwise, in like manner as for his own debt.

Cancellation
of surrendered
license.
1890, 448, § 15.
R. L. 65, § 11.
G. A. 1916,
120, § 4.
G. A. 1917,
237, § 3.

SECTION 11. Upon the expiration and return or surrender of each state license the commissioner of weights and measures shall cancel the same, indorse the date of delivery and cancellation thereon, and place the same on file. He shall then hold the special deposit of the licensee thereunder for sixty days and, after satisfying all claims made upon the same under the provisions of the following section, shall return the surplus to the licensee; or if the licensee has given a bond instead of having made a special deposit, the commissioner shall, after sixty days from the expiration, return, or surrender of the state license, and after all claims made under the provisions of the following section have been satisfied or settled, cancel the bond and notify the licensee and the surety or sureties thereon.

Special deposit
attachable,
when.
1890, 448, § 16.
R. L. 65, § 12.
G. A. 1916,
120, § 5.
G. A. 1917,
237, § 4.

SECTION 12. Each deposit made with the commissioner of weights and measures shall be subject to attachment and execution in behalf of creditors of the licensee whose claims arise in connection with the business done under his state license, and the commissioner of weights and measures may be held to answer as trustee, under the trustee process, in any civil action in contract or tort brought against any licensee and

shall pay over under order of court, or upon execution, such amount of money as he may be chargeable with upon his answer. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of the preceding sections, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed shall thereupon give notice of the name of the licensee, upon whom such fine or penalty is imposed, and of the amount thereof, to the commissioner of weights and measures, who, if he has in his hands a sufficient amount deposited by such licensee, shall pay the amount so specified to said clerk or trial justice, and if the commissioner shall not have a sufficient amount so deposited he shall make payment as aforesaid of so much as he has in his hands. All judgments, fines or penalties shall be paid in the order in which notice of the claim is received by the commissioner of weights and measures, until all such claims are satisfied or the deposit or the penal sum of the bond exhausted, but no notices filed after the expiration of the sixty days limit aforesaid shall be valid. No payment of any part of said deposit shall be made to a licensee unless so much thereof is retained as is required to discharge all claims due of which notice has been received and which remain undecided or unpaid. A bond given in lieu of a deposit may be put in suit by any person who, if a deposit had been made, might have, as a plaintiff in an action of trustee process, attached the deposit as hereinbefore specified, or by the clerk of any court in which, or the trial justice by whom, any fine or penalty is imposed, as hereinbefore specified.

HAWKERS AND PEDLERS.

Sales by
hawkers and
pedlars.

1713-14, 7.
1721-2, 6.
1726-7, 4.
1785, 2.
1799, 20.
1820, 45.
R. S. 35, § 7.
1846, 244, § 1.
G. S. 50, § 27.
1864, 151, § 3.
1870, 331.
1878, 216, § 1.
P. S. 68,
§§ 16, 19.
R. L. 65, § 13.
G. A. 1916,
242, § 1.
12 Cush. 493.
14 Gray, 29.
114 Mass. 267.
120 Mass. 183.
157 Mass. 392.
175 Mass. 325.
156 U. S. 296.
195 Mass. 262.
197 Mass. 199.

— of certain
articles
prohibited.
1820, 45.
R. S. 35, § 8.

— without
licenses.

1820, 45.
1823, 122.
R. S. 35, § 8.
1846, 244, § 2.
G. S. 50, § 13.
1878, 216, § 2.
P. S. 68, § 1.
1883, 168.
1899, 260.
1900, 157.
R. L. 65, § 15.
1905, 377.
1906, 345.
G. A. 1916, 48;
242, § 3.
157 Mass. 392.

SECTION 13. Whoever, except itinerant vendors, wholesalers or jobbers having a permanent place of business in this commonwealth and selling to dealers only, and commercial agents or other persons selling at wholesale by sample, lists, catalogues or otherwise for future delivery, goes from town to town or from place to place in the same town carrying for sale or barter, or exposing for sale or barter, goods, wares or merchandise, shall be deemed a hawker or pedler within the meaning of this chapter. Hawkers and pedlers selling, bartering, or exposing for sale or barter, goods, wares or merchandise, except as permitted by the provisions of this chapter, shall forfeit not more than two hundred dollars for each offence, to be equally divided between the commonwealth and the city or town in which the offence is committed.

SECTION 14. The sale by hawkers or pedlers of jewelry, furs, wines, spirituous liquors and playing cards is prohibited. 1846, 244, § 2. G. S. 50, § 15. P. S. 68, § 3.

R. L. 65, § 14.

G. A. 1916, 242, § 2.

195 Mass. 262.

SECTION 15. Hawkers and pedlers may sell without a license books, newspapers, pamphlets, fuel, provisions, yeast, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, gas or electric fixtures and appliances, flowering plants, wild or uncultivated flowers, fruits, nuts and berries; and fruit, agricultural and other products, if such fruit and products are those of their own labor or of the labor of their families: *provided*, that such sales are not made in violation of an ordinance or by-law of the city or town.

Cities and towns may by ordinance or by-law not inconsistent with the provisions of this chapter regulate the sale and exposing for sale by hawkers and pedlers of said articles, without the payment of any fee, and may affix penalties for the violation of such regulations. Cities and towns may require hawkers and pedlers of fish, fruit and vegetables to be licensed, provided that the license fee does not exceed that prescribed by section nineteen of this chapter, as amended, for a license embracing the same territorial limits. But a person who peddles only fruits and vegetables or other farm products, raised or produced by himself or family, shall not be deemed a hawker or pedler under the provisions of this chapter.

SECTION 16. Articles other than those mentioned in the preceding section and not prohibited by section fourteen, including those of the growth or production of foreign countries, shall not be sold by hawkers or pedlers unless duly licensed as hereinafter provided.

190 Mass. 355.

195 Mass. 262.

Licenses.
G. S. 50, § 13.
1862, 178.
P. S. 68, § 1.
1899, 260.
R. L. 65, § 16.
1906, 345.
156 U. S. 296.

SECTION 17. The mayor and aldermen or selectmen may make regulations consistent with the general laws relative to the exercise of the trade of bootblacking by minors and to the sale or barter by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may prohibit such sales or such trade, or may require a minor to obtain from them a permit therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons under the age of sixteen years in the cities of the commonwealth the foregoing powers shall be vested in and exercised by the school committee. No

Regulation
of sales by
minors.
1846, 244, § 2.
G. S. 50, § 14.
P. S. 68, § 2.
1892, 331.
R. L. 65, § 17.
1902, 531.
1906, 151.
1910, 419.
G. A. 1916,
242, § 4.
195 Mass. 262.

badge or permit issued to a minor under the provisions of this section, or of sections eleven to fifteen, inclusive, of chapter eight hundred and thirty-one of the acts of the year nineteen hundred and thirteen, shall authorize the sale by a minor of any article other than those enumerated in section fifteen of this chapter. A minor who sells such articles or exercises such trade without a permit, if one is required, or who violates the conditions of his permit or any provision of said regulations shall be punished by a fine of not more than ten dollars for each offence. Any person who, having a minor under his control, knowingly permits him to violate any provision of this act, and any person who procures or employs a minor to violate any provision of this act, and any person who either for himself or as agent of any other person or of any corporation knowingly furnishes or sells to any minor any of the articles aforesaid with knowledge that the minor intends to sell said articles in violation of the provisions of this act, after having received written notice from the school committee that the minor is not authorized to sell said articles, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Same subject.
1887, 422.
R. L. c. 65, § 18.
G. A. 1916,
242, § 5.
195 Mass. 262.

SECTION 18. A parent or other person who employs a minor in peddling without a permit or license, if one is required, or who, having the care or custody of a minor, permits him to engage in such employment, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Pedler's
licenses.
1846, 244,

SECTION 19. The commissioner of weights and measures may grant a license to go about exposing for

sale or barter and selling or bartering any goods, wares or merchandise, the sale of which is not prohibited by section fourteen, to any person who files in his office a certificate signed by the mayor of a city or by a majority of the selectmen of a town stating that to the best of his or their knowledge and belief the applicant therein named is of good repute as to morals and integrity, and is, or has declared his intention to become, a citizen of the United States. The mayor or selectmen, before granting such certificate, shall require the applicant to make oath that he is the person named therein, and that he is, or has declared his intention to become, a citizen of the United States. The oath shall be certified by a justice of the peace and shall accompany the certificate. The commissioner shall cause to be inserted in every such license the amount of the license fee and the name of the city or town for which it is issued. The licensee may sell or barter in any city and town mentioned in his license any goods, wares or merchandise, not prohibited in section fourteen, upon payment to the commissioner of the following fees: for each town containing not more than one thousand inhabitants, according to the then latest census, state or national, four dollars; for each town containing more than one thousand and not more than two thousand inhabitants, seven dollars; for each town containing more than two thousand and not more than three thousand inhabitants, nine dollars; for each town containing more than three thousand and not more than four thousand inhabitants, eleven dollars; and for each city and for all other towns, eleven dollars, and one dollar for every one thousand inhabitants thereof over four

§§ 2-5, 7.
 1851, 298, § 1.
 G. S. 50,
 §§ 16-20.
 1864, 151, § 2.
 1870, 331.
 P. S. 68, §§ 4-8.
 1905, 204.
 R. L. 65, § 19.
 1907, 571.
 1912, 192.
 G. A. 1915,
 253, § 1.
 G. A. 1916,
 242, § 6.
 156 U. S. 296.
 195 Mass. 262.

thousand; but the fee shall in no case exceed twenty-six dollars, and the amount paid shall be certified on the face of the license. The commissioner shall retain one dollar for every city and town named in each of the above described licenses, and shall pay over to the respective cities and towns at least semi-annually the balance of said fees so received. The commissioner may grant, as aforesaid, special state licenses upon payment by the applicant of fifty dollars for each license; and the licensee may expose for sale or barter in any city or town in the commonwealth any fish, fruits, vegetables, or other goods, wares or merchandise, the sale of which is not prohibited by statute.

County
licenses.
1846, 244, § 7.
G. S. 50, § 20.
P. S. 68, § 8.
R. L. 1902, 65.
G. A. 1915,
253, § 2.
G. A. 1916,
242, § 7.

SECTION 20. The commissioner of weights and measures may also grant as aforesaid special county licenses for each county mentioned therein; and the licensee may expose for sale or barter within such county any goods, wares or merchandise manufactured by himself or by his employer and not prohibited in section fourteen, upon paying to the commissioner the amounts following: for Suffolk, Essex, Middlesex and Worcester, each five dollars; for Norfolk, Plymouth, Bristol, Berkshire and Hampden, each four dollars; for Franklin, Hampshire and Barnstable, each three dollars; and for Dukes County and Nantucket, each two dollars. The license shall describe the manufactured article or articles to be sold or bartered under it and shall not authorize the sale or barter of any other article by the licensee. The commissioner shall retain one dollar for every county named in each of the above described licenses, and shall pay over to the treasurers

of the respective counties at least semi-annually the balance of said fees so received.

SECTION 21. [Repealed by section 2, chapter 571, County
Acts of 1907.] P. S. 68, § 9. 1883, 118. 1889, 457. licenses,
without fees.
1896, 197.

SECTION 22. A license granted under the provisions of section nineteen may be transferred by the commissioner of weights and measures, upon application therefor and upon evidence furnished by the applicant like that required for granting a license. The transferee shall thereafter be liable in all respects as if he were the original licensee, and no person shall thereafter sell under such license except the person named in such transfer.

SECTION 23. The commissioner of weights and measures shall keep a record of all licenses granted by him, with the number of each, the name and residence of the licensee, and the counties, cities and towns, if any, mentioned therein, and of all transfers of licenses, and all such records shall be open to public inspection. This chapter or a synopsis thereof shall be printed on every license. All licenses granted under the provisions of this chapter shall bear date of the day on which they are issued, and shall continue in force for one year from that date.

SECTION 24. All of the aforesaid fees paid to the commissioner shall be for the use of the commonwealth and all such fees paid to the treasurer of a county, city or town shall be for the use of the county, city or town. Any license granted by the commissioner of weights and measures, under the provisions of this chapter, or of

Transfer of
licenses.
1846, 244,
§§ 6, 8.
G. S. 50, § 23.
P. S. 68, § 10.
R. L. 65, § 22.
G. A. 1915,
253, § 3.
195 Mass. 262.
Op. A. G.
July 31, 1905.
2 Op. A. G. 610.

Record of
licenses.
1846, 244,
§§ 6, 9.
G. S. 50,
§§ 21, 24.
1864, 151, § 1.
P. S. 68, §§ 11,
13, 18.
R. L. 65, § 23.
G. A. 1915,
253, § 4.
G. A. 1916,
242, § 8.
195 Mass. 262.

Disposition
of fees.
1846, 244, § 8.
G. S. 50, § 22.
P. S. 68, § 12.
R. L. 65, § 24.
G. A. 1915,
253, § 5.
G. A. 1916,
242, § 9.
195 Mass. 262.

any act in amendment thereof or in addition thereto, may be revoked by the commissioner upon conviction of the licensee of any crime which, in the judgment of the commissioner, warrants such revocation. Whenever any person is convicted of a violation of any provision of this chapter or a licensee is convicted of any crime, the commissioner shall be notified by the clerk or trial justice of the court in which the conviction occurred.

Posting name
of licensee.
1846, 244, § 9.
1851, 298, § 2.
G. S. 50, § 24.
P. S. 68, § 13.
G. A. 1915,
253, § 6.
G. A. 1916,
242, § 10.
120 Mass. 183.
196 Mass. 262.

SECTION 25. Every person licensed to peddle as aforesaid shall endorse his usual signature upon his license. The licensee shall produce his license for inspection when the same is demanded of him by a mayor, alderman, selectman, commissioner or inspector or sealer of weights and measures, city or town treasurer or clerk, constable, police officer or justice of the peace, and if he fails or refuses so to do shall be subject to the same penalty as if he had no license. The commissioner of weights and measures shall, at the expense of the licensee, provide a badge for each foot pedler and plates or tags for each pack, parcel, wagon, or other vehicle used in peddling. Such badges, plates or tags shall bear the number of the license, the word "pedler", and such other information as the commissioner may deem necessary. Each foot pedler shall wear his badge in a conspicuous place, and each wagon or other vehicle shall bear the name of the licensee plainly inscribed or painted on the body of the vehicle and shall also have attached to the front or side of the body of the vehicle, in a place where it may readily and plainly be seen, the plate or tag provided by the commissioner with the license number attached thereto.

SECTION 26. No license to go about offering for sale, bartering or selling as aforesaid shall defeat or bar a prosecution against the person licensed, if it is proved that he exposed for sale any articles, except such as are permitted by section fifteen, in a county, city or town in which he was not licensed to sell. 195 Mass. 262.

Effect of
license on
prosecution.
1846, 244,
§§ 4, 10.
G. S. 50, § 25.
P. S. 68, § 14.
R. L. 65, § 26.
G. A. 1916,
242, § 11.

SECTION 27. Whoever counterfeits or forges a license, or has a counterfeited or forged license in his possession with intent to utter or use the same as true, knowing it to be false or counterfeit, and whoever attempts to sell under a license which has expired or is forfeited, or which has not been issued or transferred to him, or has in his possession another's license with intent to use the same, shall be punished by a fine not exceeding one thousand dollars.

Counterfeiting
of licenses.
1846, 244, § 10.
G. S. 50, § 26.
1870, 331.
1878, 216, § 15.
R. L. 65, § 27.
G. A. 1916,
242, § 12.
195 Mass. 262.

SECTION 28. No hawker or pedler, holding an auctioneer's license, shall sell or expose for sale by public auction any goods, wares or merchandise in any city or town other than that from whose authorities such license was obtained; nor in any place in such city or town, not expressly described in said license.

Pedlers, etc.,
licensed as
auctioneers.
1852, 115, § 2.
G. S. 50, § 28.
P. S. 68, § 15.
R. L. 65, § 28.
195 Mass. 262.

SECTION 29. The commissioner and inspectors of weights and measures of the commonwealth and, within their respective cities and towns, sealers or deputy sealers of weights and measures, constables and police officers shall arrest and prosecute every hawker and pedler, and itinerant vendor, whom they may have reason to believe guilty of violating the provisions of this chapter relating to hawkers and pedlers and itinerant vendors.

Prosecutors.
1864, 151, § 3.
P. S. 68, § 9.
G. A. 1915,
253, § 7.
G. A. 1916,
120, § 6.
195 Mass. 262.

REVISED LAWS, CHAPTER 56.

Peddling Oleomargarine from Cart or Vehicle.

Peddling oleomargarine from cart or vehicle.

1891, 412, § 4.
1894, 280, § 4.
158 Mass. 218.
162 Mass. 506.

SECTION 46. Whoever, himself or by his agent, peddles, sells, solicits orders for the future delivery of or delivers from any cart, wagon or other vehicle, oleomargarine, not having on both sides of said cart, wagon or other vehicle the placard in uncondensed gothic letters, not less than three inches in length, "*licensed to sell oleomargarine*" shall be punished by a fine of one hundred dollars or by imprisonment for thirty days for each offence.

REVISED LAWS, CHAPTER 102.

Peddling near Picnic Grove prohibited.

— near picnic grove forbidden.
1887, 445.

SECTION 180. Whoever, not having his residence or regular place of business within one-half mile of a grove licensed in accordance with the provisions of section one hundred and seventy-eight, during the time of holding a picnic or other lawful gathering in such licensed grove and within one-half mile thereof hawks or peddles goods, wares or merchandise, or establishes or maintains a tent, booth, vehicle or building for vending provisions or refreshments without the consent of the licensee of said grove, or engages in gaming or horse racing, or exhibits or offers to exhibit any show or play, shall for each offence forfeit not more than twenty dollars.

REVISED LAWS, CHAPTER 124.

Vending at Cattle Shows, etc., prohibited.

SECTION 22. No person shall, during the time of holding a cattle show, fair, or exhibition or meeting of a farmers' club, without the consent of the authorities having charge of the same, establish within one-half mile of the place of holding such show or meeting a tent, booth or vehicle of any kind for the purpose of vending any goods, wares, merchandise, provisions or refreshments. No person shall engage in gaming or horse racing or exhibit a show or play during the regular or stated time of holding a cattle show, agricultural fair or meeting of a farmers' club, or engage in pool selling, at or within half a mile of the place of holding the same; but any person having his regular place of business within such limits shall not be required hereby to suspend his business.

Booths, etc.,
gaming, etc.,
at cattle shows
or agricultural
fairs prohibited.
1861, 127, § 2.
1877, 149, § 1.
P. S. 114, § 21.

REVISED LAWS, CHAPTER 212.

Peddling near Camp Meeting prohibited.

SECTION 31. Whoever, during the time of holding a camp or field meeting for religious purposes, and within one mile of the place thereof, hawks or peddles goods, wares or merchandise, or establishes or maintains a tent, booth or building for vending provisions or refreshments, or furnishes shelter and food for or has the care of horses for pay, without permission from the authorities or officers having the charge or direction of such meeting, or engages in gaming or horse racing, or

Peddling,
gaming, etc.,
near camp
meeting.
1838, 143.
G. S. 165, § 22.
1867, 59.
1878, 92.
1879, 56.
P. S. 207, § 22.
132 Mass. 542.

exhibits or offers to exhibit any show or play, shall forfeit for each offence not more than twenty dollars: *provided*, that the time of holding such meeting shall not exceed thirty consecutive days in any one year; and that a person having a regular, usual and established place of business within such limits need not suspend his business.

ACTS OF 1902, CHAPTER 159.

An Act to provide that the Office of Weigher of Coal may be held by Women.

Weighers
of coal.

SECTION 1. No person shall be deemed ineligible to hold the office of weigher of coal in any city or town by reason of sex.

SECTION 2. This act shall take effect upon its passage.

ACTS OF 1903, CHAPTER 408.

An Act relative to Cranberry Barrels and Crates.

SECTION 1. [See section 1, chapter 380, Acts of 1911, page 74.]

SECTION 2. [See section 2, chapter 380, Acts of 1911, page 75.]

SECTION 3. Section twenty-four of chapter fifty-seven of the Revised Laws is hereby repealed.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and four.

ACTS OF 1906, CHAPTER 323.

**An Act relative to the Sealing of Glass Bottles or Jars
used in the Distribution of Milk or Cream.**

SECTION 1. Any sealer of weights and measures who shall have been notified by any dealer in milk or cream who uses glass bottles or jars for the distribution of milk or cream that the said dealer has in his possession not less than six gross of such glass bottles or jars which have not been sealed, shall forthwith cause the same to be sealed in accordance with the provisions of section forty-three of chapter sixty-two of the Revised Laws, at a suitable place provided by the said dealer.

Sealers to go to
suitable place
to seal large
quantities.

SECTION 2. The fee to be charged for sealing bottles or jars under the provisions of this act shall be fifty cents per gross, to be retained by the sealer of weights and measures: *provided, however*, that if he is paid a salary by the city or town he shall account for and pay into the treasury of the city or town all fees received under the provisions of this act.

Fees.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

ACTS OF 1907, CHAPTER 394.

**An Act relative to the Penalty for giving False Weight
or Measure.**

SECTION 1. Whoever, himself or by his servant or agent or as the servant or agent of another person, gives or attempts to give false or insufficient weight or

Penalty for
giving false
weight or
measure.

As amended
by c. 163,
Acts 1911.
214 Mass. 72.
215 Mass. 349.
216 Mass. 126.

measure shall for a first offence be punished by a fine of not more than fifty dollars, for a second offence by a fine of not more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

ACTS OF 1907, CHAPTER 534.

An Act to provide for the Appointment of a Commissioner of Weights and Measures.

Commissioner
of weights and
measures.

SECTION 1. The governor, with the advice and consent of the council, shall appoint a commissioner of weights and measures for the term of three years from the date of his commission.

— to appoint
inspectors.
As amended
by c. 465, Acts
1910; c. 632,
Acts 1911; c.
256, Acts 1912;
and by c. 243,
G. A. 1917.

SECTION 2. The said commissioner may appoint six inspectors. The annual salary of the commissioner shall be twenty-five hundred dollars. The annual salary of the inspectors shall be twelve hundred dollars each for the first year of service, thirteen hundred dollars for the second year, fourteen hundred dollars for the third year, and fifteen hundred dollars for the fourth year and for any subsequent year. They shall give bonds for the faithful performance of their duties. The commissioner shall be allowed for clerical services, travel and contingent office expenses for himself and his inspectors such sum as may be necessary, to be paid out of the treasury of the commonwealth.

SECTION 3. The commissioner shall assume all such duties pertaining to the care, custody and furnishing of standard weights, measures and balances, and the inspection of weights, measures and balances, and the sale of various articles, as are now imposed on the treasurer and receiver general or upon the deputy state sealer of weights and measures by the Revised Laws and acts in amendment thereof and in addition thereto, and shall have all powers now vested in and may do all acts required of said officers for these purposes. He shall cause to be enforced all laws relating to the using or giving of false or insufficient weights or measures, shall keep a record in detail of the work of his office, and shall annually, during the first week of January, make a report thereof to the general court.

Duties and powers of commissioner.

SECTION 4. The inspectors shall, under the direction of the commissioner, aid him in performing the duties of his office, and shall have the necessary powers now vested in the deputy state sealer of weights and measures for this purpose.

— of inspectors.

SECTION 5. Every city and town sealer of weights and measures shall annually during the month of November, make a report of the weights, measures and balances tested, sealed or condemned by him, together with an inventory of the standards and working apparatus in the possession of his city or town, to the commissioner of weights and measures.

City and town sealers to make annual report.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

ACTS OF 1907, CHAPTER 535.

An Act to provide for the Testing and Sealing of Weights, Measures and Balances having a Device for indicating the Price as well as the Weight of Commodities offered for Sale.

Computing
devices to be
tested.
As amended
by c. 8, G. A.
1917.
109 Mass. 503.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relating to the adjusting, testing and sealing of weights, measures and balances shall apply to all scales, balances, computing scales and other devices having a device for indicating or registering the price as well as the weight or measure of the commodity offered for sale. All such computing devices shall be tested as to the correctness of both weights or measures and values indicated by them.

Penalties, etc.

SECTION 2. A sealer or deputy sealer shall seal such devices when tested and found correct, or shall mark, condemn or seize such devices if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to such devices.

Provisions of
chapter sixty-
two to apply.

SECTION 3. This act shall take effect on the first day of October in the year nineteen hundred and seven.

ACTS OF 1909, CHAPTER 310.

An Act relative to Standard Weights and Measures.

County
standards, —
repealed.

SECTION 1. So much of chapter sixty-two of the Revised Laws and of all acts in addition thereto or in amendment thereof as provides that counties shall be

furnished with standard weights and measures by the commonwealth, and that county treasurers shall have the care and custody of the same and shall act as sealers of weights and measures is hereby repealed.

SECTION 2. All sets of standard weights, measures and balances furnished by the commonwealth, and now in the custody of county treasurers, except those in the county of Worcester which may be retained by said county, may be sold by the commissioner of weights and measures of the commonwealth, and the proceeds of such sale, after deducting the necessary expenses in connection therewith, shall be paid into the treasury of the commonwealth.

County standards, — may be sold. As amended by c. 320, Acts 1910.

SECTION 3. This act shall take effect upon its passage.

ACTS OF 1909, CHAPTER 382.

An Act to include Sealers and Inspectors of Weights and Measures in Cities and in Certain Towns within the Classified Civil Service.

SECTION 1. The civil service commissioners may prepare rules, which shall take effect when approved by the governor and council in the manner provided by law, for including within the classified civil service all principal or assistant sealers of weights and measures holding office by appointment under any city or any town of over ten thousand inhabitants, whether such officers are heads of principal departments or not, and also for including within the said service the inspectors of weights and measures of the commonwealth.

Sealers and inspectors, — civil service.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

ACTS OF 1909, CHAPTER 412.

An Act relative to the Adjustment, Testing and Sealing of Weighing and Measuring Devices used for Hire or Reward.

Balances, etc.,
used for hire
or reward, to
be sealed.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relating to the adjustment, testing and sealing of weights, measures and balances shall apply to all weighing and measuring devices used for the purposes of weighing and measuring for hire or reward.

— how to be
marked.

SECTION 2. A sealer or deputy sealer shall seal such devices when they are tested and found correct, and shall mark, condemn or seize such devices if found incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances; and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also apply to the devices aforesaid.

Penalties.

ACTS OF 1909, CHAPTER 424.

An Act relative to the Sale of Kindling Wood.

Sale of
kindling wood.

SECTION 1. Section eighty-seven of chapter fifty-seven of the Revised Laws, as amended by section two of chapter two hundred and five of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "charcoal", in the eighth

line, the words: — or unpacked kindling wood not exceeding six inches in length, — and by adding at the end of the said section, the words: — and kindling wood may be sold in bundles not less than twenty-seven inches in circumference: *provided*, that the wood shall be cut not less than two and one quarter inches long, — so as to read as follows: — *Section 87.* Baskets used in selling coke or charcoal by measure shall be of the capacity of two bushels, of one bushel, or of one half bushel, Massachusetts standard dry measure. They shall be sealed, and their capacity plainly marked thereon by a sealer of weights and measures of the city or town in which the person using them resides or does business, and shall be filled level full. Bags of coke or charcoal or unpacked kindling wood not exceeding six inches in length sold or offered for sale by measure shall contain, and shall be sold as containing, one half bushel, dry measure, standard aforesaid, of said goods, and shall be plainly marked with the name of the person who puts up the same, and the words in capital letters, each at least one inch in height, — “ONE HALF BUSHEL,” — and kindling wood may be sold in bundles not less than twenty-seven inches in circumference: *provided*, that the wood shall be cut not less than two and one quarter inches long.

SECTION 2. The commissioner of weights and measures of the commonwealth and the sealers of weights and measures in cities and towns shall cause the provisions of the preceding section to be enforced, and whoever violates any provision of this act shall be punished by a fine not exceeding fifty dollars for each offence.

Commissioner
and sealers
to cause
enforcement.

ACTS OF 1909, CHAPTER 541.

An Act relative to the Testing and Sealing of Taximeters.

Taximeters,
etc., to be
sealed.
As amended
by c. 98,
G. A. 1917.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relative to the testing and sealing of weights, measures and balances shall apply to all taximeters and other forms of measuring devices which are used upon vehicles for determining the cost of transportation. All such devices shall be tested as to the correctness of measures and values indicated by them, and the commissioner of weights and measures is empowered to make such rules and regulations as he may deem necessary to insure accuracy in the use of the said devices. Any owner or operator of a taxicab or other vehicle who refuses or neglects to comply with any rule or regulation so made by the commissioner shall be punished by a fine of ten dollars for each offence.

Enforcement.
As amended
by c. 98,
G. A. 1917.

SECTION 2. Sealers of weights and measures shall seal the said devices when tested and found to be correct, and shall mark, condemn or seize the same if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to the said devices.

Fees.
As amended
by c. 98,
G. A. 1917.

SECTION 3. Sealers of weights and measures shall collect a fee of one dollar for each device sealed under the provisions of this act, and such fees shall be paid by them monthly into the treasury of their respective cities and towns.

ACTS OF 1910, CHAPTER 462.

An Act relative to the Sealing of Paper Bottles and Jars.

SECTION 1. Paper or fibre bottles and jars which are used for the distribution of milk or cream to consumers, and which hold, when filled to a level with the bottom of the cap or stopple, not less than eight, sixteen, thirty-two, forty-eight or sixty-four ounces, shall be sealed as measures under the provisions of section twenty-one of chapter sixty-two of the Revised Laws, and of chapter three hundred and twenty-three of the acts of the year nineteen hundred and six, or by the manufacturer in the manner provided in section forty-three of chapter sixty-two of the Revised Laws, as amended by chapter five hundred and thirty-one of the acts of the year nineteen hundred and nine, and when so sealed may be used in the manner provided by law for glass milk jars and bottles. Every such bottle or jar shall have plainly stamped upon it by the manufacturers the words:— "Penalty for re-use, twenty-five dollars." Paper milk bottles, to be sealed.

SECTION 2. Whoever re-uses any such paper or fibre bottle or jar for distributing milk, cream or other liquid used for food, after such bottle or jar has been once used therefor, shall be punished by a fine of not more than twenty-five dollars for each offence. Penalty for re-use.

ACTS OF 1911, CHAPTER 380.

An Act relative to Cranberry Barrels, Crates and other Packages.

Cranberry
barrels, crates
and packages,
size of.
1903, 408,
§ 1, amended.

SECTION 1. Section one of chapter four hundred and eight of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "be", in the fourth line, the words: — not less than, — by inserting after the word "be", in the seventh line, the words: — not greater than, — by striking out the words "But any barrel of different form but of the same interior capacity shall be considered a legal and standard barrel", in the eighth and ninth lines, by inserting after the word "support", in the thirteenth line, the words: — and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate. It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one half crate or one quarter crate: *provided*, that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and ninety and four hundred and ninety-five cubic inches, respectively; by striking out the word "or", where it first occurs in the thirteenth line, by inserting after the word "crate", in the same line, the words: — one half crate or one quarter crate, — by striking out the word "crate", in the seventeenth line, and inserting in place thereof the words: — other package, — and by striking out all after the word "unless", in the eighteenth line, and inserting in place thereof the words: — its interior

capacity is as great as the capacity herein specified for such package, — so as to read as follows: — *Section 1.* The legal and standard barrel for cranberries shall measure not less than twenty-five and one fourth inches between the heads, inside; the diameter of the head shall not be less than sixteen and one fourth inches, including the bevelled edge; the outside bilge circumference shall measure not less than fifty-eight and one half inches; the thickness of the staves shall be not greater than four tenths of an inch. The legal and standard crate for cranberries shall measure seven and one half inches, by twelve inches, by twenty-two inches, inside, exclusive of any interior partition or support, and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate. It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one half crate or one quarter crate: *provided*, that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and ninety and four hundred and ninety-five cubic inches, respectively. No barrel, crate, one half crate or one quarter crate, intended for the sale or delivery of cranberries, except of the standard measure herein specified and plainly marked with the words "Massachusetts Standard Measure", shall be manufactured or sold. No person shall so mark any barrel or other package so used or intended to be used unless its interior capacity is as great as the capacity herein specified for such package.

Affected by
United States
standard
barrel law.
See page 98.

SECTION 2. Section two of said chapter four hun- Marking.

1903, 408,
§ 2, etc., as
amended.

dred and eight, as amended by section one of chapter two hundred and nine of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "or", after the word "barrel", in the second line, by inserting after the word "crate", in the same line, the words:— one half crate or one quarter crate, — by striking out the word "or", after the word "barrel", in the fifth line, by inserting after the word "crate", in the fifth line, the words:— one half crate or one quarter crate, — by inserting after the last word in the sixth line, the word:— corresponding, — and by striking out the words "barrel or crate", in the seventh line, and inserting in place thereof the word:— package, — so as to read as follows:— *Section 2.* Every barrel, crate, one half crate or one quarter crate used for the sale or delivery of cranberries shall be of the Massachusetts standard measure, and shall be marked as required by this act. No person shall use any barrel, crate, one half crate or one quarter crate for such sale or delivery the capacity of which is less than that of the corresponding standard package herein provided for. Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The sealers of weights and measures of the several cities and towns shall cause the provisions of this act to be enforced.

Penalty.

Packages.

SECTION 3. It shall be lawful to use for the sale and delivery of cranberries packages containing one, two or four pounds of cranberries net weight: *provided*, that said net weight is plainly stamped on the top or side of each package.

SECTION 4. This act shall take effect upon its passage.

ACTS OF 1913, CHAPTER 502.

An Act relative to the Measuring of Leather.

SECTION 1. The mayor of a city or the selectmen of a town, upon the request of two or more voters thereof, shall annually appoint one or more measurers of leather who have been certified by the commissioner of weights and measures as fit persons for such appointment, and who shall be sworn to the faithful performance of their duty. The commissioner of weights and measures may at any time, for cause, revoke such certificate of fitness, and such revocation shall immediately render such appointment null and void.

Measurers of leather.
1841, 119, § 1.
G. S. 49, § 112.
P. S. 62, § 1.
R. L. 59, § 1.

SECTION 2. A measurer of leather for one city or town may measure leather in any other city or town in the commonwealth.

R. L. 59, § 2.

May measure in other cities or towns.
1866, 236, § 2.
P. S. 62, § 2.

SECTION 3. Each measurer, upon request, shall go to any place within the city or town for which he is appointed and there ascertain the area of each skin or side or other portion of leather submitted to him. For this purpose, he shall use only such racks, measures or mechanical devices as have been tested and sealed as required by law, and he shall mark or cause each skin or side or other portion of leather to be marked with indelible figures giving the measurement thereof in square feet, including fractions as small as one quarter of a foot. After the area of any skin or side or other portion of leather has been determined as aforesaid, it shall be permissible to add one quarter of a foot to such measurement for any remaining fraction greater than one eighth of a foot; but no such remaining fraction of less than one eighth of a foot shall be added or included in such measurement.

General duties of.
1841, 119, §§ 2, 3.
G. S. 49, § 113.
P. S. 62, § 3.
R. L. 59, § 3.

Penalty for
selling leather
not measured
by sworn
measurer.
1866, 236, §§ 3, 4.
P. S. 62, §§ 4, 5.
R. L. 59, § 4.

SECTION 4. Whoever sells or offers leather for sale by measure shall cause the same to be measured by a sworn measurer unless such leather has previously been measured by a sworn measurer of a city or town in this commonwealth, or by some person lawfully appointed for that purpose in any other of the United States; and whoever sells or offers for sale leather which has not been measured as aforesaid, unless such measurement has been expressly waived in writing by the buyer and seller thereof, shall be subject to a fine of not less than ten nor more than fifty dollars for each offence.

— for counter-
feiting marks,
etc.
1841, 119, § 4.
G. S. 49, § 115.
P. S. 62, § 7.
R. L. 59, § 6.

SECTION 5. Whoever counterfeits, or, not being a sworn measurer, alters or defaces with intent to deceive, a measurer's marks on a skin or side or other portion of leather shall be fined twenty-five dollars for each offence.

SECTION 6. Chapter fifty-nine of the Revised Laws is hereby repealed.

SECTION 7. This act shall take effect on the first day of July, nineteen hundred and thirteen.

ACTS OF 1913, CHAPTER 503.

An Act relative to the Testing and Sealing of Mechanical Devices for measuring Leather.

Leather meas-
uring devices
to be sealed
at least semi-
annually.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws and of the amendments thereof relative to the testing and sealing of weights, measures and balances shall apply to all machines and other forms of measuring devices which are used or intended to be used for determining the measurement of leather bought,

sold or offered for sale in this commonwealth. All such devices shall be tested as to the correctness of measures indicated by them at least semi-annually by a sealer of weights and measures of the city or town in which they are used, or intended to be used, and the commissioner of weights and measures is empowered to make such rules and regulations as he may deem necessary to insure the greatest possible accuracy in the use of said devices.

Commissioner
may make
rules and
regulations.

SECTION 2. The sealer of weights and measures shall test the said devices according to such methods as may be prescribed or approved by the commissioner of weights and measures, and shall seal the same if found correct. He shall mark, condemn or seize the same if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter and the amendments thereof for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to the said devices.

Method of
testing to be
approved by
commissioner.

SECTION 3. The sealer of weights and measures shall collect a fee of one dollar for every device sealed under the provisions of this act, and such fees shall be subject to the provisions of sections thirty-four and thirty-five of said chapter sixty-two.

Penalties.

Sealing fees.

SECTION 4. This act shall take effect on the first day of July, nineteen hundred and thirteen.

ACTS OF 1914, CHAPTER 452.

An Act relative to the Appointment of Sealers and Deputy Sealers of Weights and Measures.

SECTION 1. The mayor and aldermen of cities the selectmen of towns having over ten thousand habitants shall, subject to the provisions of the preceding section, appoint one or more sealers of weights and measures, or one sealer and one or more deputy sealers to act under the direction of the sealer, who shall office during good behavior, and who shall enforce laws pertaining to weights and measures: *provided, however, that if the governing body of a city does not include a mayor and aldermen, the appointing officer shall be vested in the officer who by the charter or ordinances of such city is designated to have supervision of the sealer of weights and measures department.* Sealers and deputy sealers shall receive a salary determined by the board, officer or body authorized to determine salaries in their respective cities and towns, and shall also receive an additional allowance for transportation and other necessary expenses. They shall account for and pay into their city or town treasury monthly all fees received by them, and shall make an annual report to the appointing board or officer of the commissioner of weights and measures of the Commonwealth.

SECTION 2. The selectmen of towns of less than ten thousand inhabitants shall annually appoint a sealer of weights and measures, who shall enforce all laws pertaining to weights and measures, and shall receive such compensation as may be determined upon by the

ACTS OF 1913, CHAPTER 574.

An Act relative to the Sale of Shingles.

Sale of shingles
regulated.

SECTION 1. In this commonwealth all random width wooden shingles shall be sold in bunches or bundles measuring not less than twenty inches in width and containing not less than twenty-three courses or layers in one end and not less than twenty-four courses or layers in the other end. The shingles in each bunch or bundle when laid not more than five inches exposed surface to weather shall cover twenty-five square feet in area. Four such bundles or bunches of shingles shall constitute a unit of measure termed a thousand.

Penalty.

SECTION 2. Violation of any provision of this act shall be punished by a fine of not less than five nor more than five hundred dollars for each offence.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect ninety days after its passage.

ACTS OF 1914, CHAPTER 387.

An Act relative to Complaints and Prosecutions concerning False Weights and Measures.

Certain courts
to have juris-
diction over
prosecutions
concerning false
weights and
measures.

SECTION 1. Complaints and prosecutions for violations of the statutes relating to the use or giving of false or insufficient weights or measures may also be begun and prosecuted in the court having jurisdiction over the place to which the goods concerned are shipped.

SECTION 2. This act shall take effect upon its passage.

ACTS OF 1914, CHAPTER 452.

An Act relative to the Appointment of Sealers and Deputy Sealers of Weights and Measures.

SECTION 1. The mayor and aldermen of cities and the selectmen of towns having over ten thousand inhabitants shall, subject to the provisions of the preceding section, appoint one or more sealers of weights and measures, or one sealer and one or more deputy sealers to act under the direction of the sealer, who shall hold office during good behavior, and who shall enforce all laws pertaining to weights and measures: *provided, however*, that if the governing body of a city does not include a mayor and aldermen, the appointing power shall be vested in the officer who by the charter or ordinances of such city is designated to have supervision of the sealer of weights and measures department. Such sealers and deputy sealers shall receive a salary to be determined by the board, officer or body authorized to determine salaries in their respective cities and towns, and shall also receive an additional allowance for transportation and other necessary expenses. They shall account for and pay into their city or town treasuries monthly all fees received by them, and shall make an annual report to the appointing board or officer and to the commissioner of weights and measures of the commonwealth.

Sealers, —
appointments
in cities and
certain towns.
206 Mass. 46.
216 Mass. 128.
222 Mass. 296.

SECTION 2. The selectmen of towns of less than ten thousand inhabitants shall annually appoint a sealer of weights and measures, who shall enforce all laws pertaining to weights and measures, and shall receive such compensation as may be determined upon by the

—appointment
in towns of
less than ten
thousand
inhabitants.

selectmen, and an additional allowance for transportation and other necessary expenses; and they may at any time remove such sealers and appoint others in their places. Sealers appointed under the provisions of this section shall account for and pay into the town treasuries monthly all fees received by them, and shall make an annual report to the selectmen of the town and to the commissioner of weights and measures of the commonwealth.

District sealer
may be ap-
pointed.

SECTION 3. Nothing in the preceding sections shall be construed so as to prevent two or more towns, or one city and one or more towns, from combining the whole or any part of their respective territories, as may be agreed upon by the boards or officers having the appointing power in such cities or towns, with one district sealer and one set of standards. Each district sealer shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office, and for the safety of the standards, working equipment, records, etc., which may be committed to his care, and for the surrender thereof to his successor in office or to any person appointed by proper authority to receive them. He shall, under the direction of the commissioner of weights and measures, perform all of the duties devolving upon a sealer of weights and measures in the district assigned to him, and for this purpose shall have all of the powers vested in sealers of weights and measures of cities and towns. He shall be paid a salary determined by the appointing boards or officers, and provided by them with the necessary standards and working equipment of weights and measures, and he

shall be allowed such sums as may be necessary for transportation and other expenses. The district sealer shall keep a complete record of all work performed by him, and shall make an annual report to the commissioner of weights and measures and to each city and town included within his district. He shall account for and pay into the treasury of each city or town all fees received by him by virtue of his office in such city or town.

SECTION 4. Section eighteen of chapter sixty-two of the Revised Laws is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

ACTS OF 1914, CHAPTER 653.

An Act to require the Marking of Packages containing Foods.

SECTION 1. Subject to the variations, tolerances and exemptions provided for by section two of this act, no person shall himself, or by his servant or agent, and no corporation or association, shall by its servant or agent, and no person, as the agent or servant of another person, corporation or association, sell or offer for sale an article of food in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count.

Marking of
packages
containing
foods regulated.

SECTION 2. The commissioner of weights and measures shall adopt such variations, tolerances and exemptions as shall have been established at the time when this act takes effect, or shall from time to time thereafter be established by the rules and regulations

Variations,
tolerances, etc.

provided for by section three of chapter thirty-nine hundred and fifteen of the acts of congress of the year nineteen hundred and six, together with such further reasonable variations, tolerances and exemptions not covered by the rules and regulations of said section as he may deem expedient.

Term "food" defined.

SECTION 3. The term "food" as used in this act shall include all articles, whether simple, mixed or compound, used for food, drink, confectionery or condiment by man or other animals.

Not to apply to certain retail sales.

SECTION 4. This act shall not apply to retail sales made from bulk if the quantity is weighed, measured or counted for the purpose of such sale by the retailer, nor to the sale of milk, cream or buttermilk in glass jars as provided by section forty-three of chapter sixty-two of the Revised Laws and acts in amendment thereof.

Dealer not to be prosecuted if he establishes a guaranty signed by wholesaler, etc.

SECTION 5. No dealer shall be prosecuted under the provisions of this act if he establishes a guaranty signed by the wholesaler, jobber, manufacturer, dealer or other person, from whom he purchased such articles, to the effect that the same are correctly marked or labeled within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the person, firm, corporation or association making the sale of such articles to such dealer, and in that case such person, firm, association or corporation shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provision of this act. If it shall appear that any of the provisions of this act have been violated and the party or parties giving said guarantee are without the commonwealth of Massachusetts, no

action shall be brought but the state commissioner of weights and measures shall present the facts to the proper national authorities for their action.

SECTION 6. Violations of the provisions of this act shall, for a first offence, be punished by a fine of not less than ten nor more than fifty dollars, and for each subsequent offence by a fine of not less than twenty-five nor more than one hundred dollars. Penalty.

SECTION 7. It shall be the duty of the commissioner of weights and measures to enforce the provisions of this act. Enforcement of act.

SECTION 8. Before prosecution is begun hereunder, the parties concerned shall be notified and given an opportunity to be heard before the commissioner of weights and measures. Parties to be notified and hearing given, etc.

SECTION 9. So much of any act as is inconsistent herewith is hereby repealed. Repeal.

SECTION 10. This act shall take effect on the third day of September in the year nineteen hundred and fifteen, and shall not apply to packages prepared or imported previous to that date. Time of taking effect.

GENERAL ACTS OF 1915, CHAPTER 190.

An Act relative to the Testing of Weighing and Measuring Devices used in State Institutions and Departments.

The commissioner of weights and measures, or his inspectors under his direction, shall at least once in every year test all scales, weights and measures used in checking the receipt or disbursement of supplies in Testing of weighing and measuring devices used in state institutions, etc.

Special
deputies,
appointment,
etc.

every state institution or department, and shall mark the same in accordance with the results of such tests. The commissioner shall report in writing his findings to the executive officers of the institution or department concerned; and at the request of said officers the commissioner of weights and measures shall appoint in writing one or more employees, then in the actual service of such institution or department, to act as special deputies for the purpose of checking the receipt or disbursement of supplies.

GENERAL ACTS OF 1916, CHAPTER 44.

An Act to authorize the Commissioner of Weights and Measures to establish District Offices.

Commissioner
of weights and
measures may
establish
district officers.

SECTION 1. District offices may be established by the commissioner of weights and measures in such places and on such terms as may be approved by the governor and council.

SECTION 2. This act shall take effect upon its passage.

GENERAL ACTS OF 1916, CHAPTER 149.

An Act relative to Untrue and Misleading Advertisements.

Untrue and
misleading
advertisements
prohibited.

SECTION 1. Any person who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who with intent to increase the consumption of or demand

for such merchandise, securities, service, or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public within the commonwealth, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive, or misleading, shall be guilty of a misdemeanor and shall be punished by a *Penalty.* fine of not less than ten or more than five hundred dollars for each offence: *provided, however,* that the *Proviso.* provisions of this act shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement.

SECTION 2. The term "person" as used in section *"Person" defined.* one shall include a partnership, corporation or association.

SECTION 3. Chapter four hundred and eighty-nine *Repeal.* of the acts of the year nineteen hundred and twelve, as

amended by chapter two hundred and eighty-eight of the acts of the year nineteen hundred and fourteen, is hereby repealed.

GENERAL ACTS OF 1916, CHAPTER 151.

An Act relative to Containers used in the Sale of Milk at Wholesale.

Containers
used in sale of
milk at whole-
sale to be
tested.

SECTION 1. Any person selling milk at wholesale to any purchaser who furnishes containers for the same may petition in writing a sealer or deputy sealer of weights and measures to have such containers tested in the manner provided by law and the capacity thereof, thus ascertained, plainly stamped or otherwise indelibly marked thereon; and such official may direct any such purchaser to have such containers so tested and marked.

Penalty.

SECTION 2. Any person, firm or corporation who neglects or refuses to have any such containers tested and marked as provided in section one after being directed so to do by any sealer or deputy sealer and who continues to use the same for the purpose of containing milk purchased from any person who has petitioned any such official as provided in said section shall be punished by a fine of not more than ten dollars.

GENERAL ACTS OF 1916, CHAPTER 154, AS AMENDED BY
CHAPTER 39, GENERAL ACTS OF 1917.

**An Act relative to the Marking, Sale and Installation
of Range Boilers.**

SECTION 1. No range boiler shall be sold or offered for sale in this commonwealth unless its capacity is plainly marked thereon in terms of Massachusetts standard liquid measure, together with the maker's business name, in such manner that it may easily be identified.

Marking, sale,
etc., of range
boilers.

SECTION 2. No copper, iron or steel pressure range boiler, whether plain or galvanized, or other vessel or tank in which water is to be heated under pressure, shall be sold or offered for sale in this commonwealth without having stamped thereon the maker's guarantee that it has been tested to not less than two hundred pounds hydraulic or hydrostatic pressure to the square inch, together with the maximum working pressure at which it may be installed. And no such boiler, or other vessel or tank in which water is to be heated under pressure, shall be installed if the working pressure is greater than forty-two and one half per cent of the guaranteed test pressure marked thereon by the maker.

Must be
stamped with
maker's
guarantee
of test.
G. A. 1916,
154, § 2.
G. A. 1917,
39, § 1.

SECTION 3. Any person who sells or offers or exposes for sale any range boiler which is not marked or stamped as provided in the preceding sections, or which is falsely marked as having a capacity which is greater by seven and one half per cent than its true capacity, or who marks or causes the same to be marked with such false capacity, shall be punished by a fine not exceeding fifty dollars for each offence. The inspectors of plumb-

Penalty.
G. A. 1916,
154, § 3.
G. A. 1917,
39, § 2.

Inspectors of
plumbing shall
enforce.

ing within their respective cities and towns shall cause the provisions of this act to be enforced.

Certain range
boilers exempt.

SECTION 4. This act shall not apply to the sale or offering for sale of installed range boilers or to the sale or offering for sale of range boilers as junk.

SECTION 5. This act shall take effect on the first day of July, nineteen hundred and sixteen.

GENERAL ACTS OF 1916, CHAPTER 188.

An Act to authorize the Granting of Temporary Licenses to sell Certain Articles for Charitable Purposes.

Temporary
licenses to sell
certain articles
for charitable
purposes.

SECTION 1. The overseers of the poor in any city and the board of selectmen in any town may under such conditions as they may deem proper, grant to any organization engaged exclusively in charitable work a special license authorizing it upon a particular day and for a charitable purpose named in such license, to sell through its accredited agents in the streets and other public places within such city or town, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs and similar small articles: *provided*, that no person under sixteen years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge, provided by such organization and approved by the authority issuing the license, bearing upon it the name of such organization and the date on which the license is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of

Proviso.

the owner or occupant thereof. The exercise of the licenses hereby provided for shall be subject to the provisions of all statutes, ordinances, by-laws, rules and regulations not inconsistent herewith.

SECTION 2. This act shall take effect upon its passage.

GENERAL ACTS OF 1916, CHAPTER 289.

An Act relative to the Solicitation of Business on Public Sidewalks.

Whoever, upon any public sidewalk in front of any retail store other than his own, or one in which he is employed, makes a practice of accosting other than an acquaintance, and there induces or tries to induce such person to purchase at any other store or place, at retail, merchandise similar in kind to any kept or displayed for sale in such store; shall be punished by a fine not exceeding one hundred dollars. This act shall not apply to licensed peddlers acting within the scope of their license, nor to persons when seeking to sell newspapers, pamphlets or other printed matter.

Solicitation of business on public sidewalks by certain persons prohibited.

Penalty.

GENERAL ACTS OF 1917, CHAPTER 125.

An Act relative to the Testing and Sealing of Standard Weights, Measures and Balances of Cities and Towns.

SECTION 1. At least once in ten years, or oftener if he deems it necessary, the standard weights, measures and balances of every city and town shall be tested, adjusted and sealed under the direction of the commissioner of weights and measures; he shall also see

City and town standards to be tested and sealed.

Inspections of standards to be made.

Inspection of commercial weights, etc.

Commissioner or inspectors may prosecute.

Penalty for interfering with commissioner or inspectors.

that such standards are kept in good order and condition, and for that purpose may at any time, and shall upon request of a city or town treasurer, cause an inspection of the standards to be made. The commissioner and his inspectors may also inspect the weights, measures and balances of any person, firm or corporation which are used for buying, selling or exchanging any goods, wares, merchandise or other commodity, or for public weighing in any city or town, and, if they find them inaccurate, shall forthwith inform the mayor or selectmen who shall cause the provisions of law relating thereto to be enforced. If the commissioner or an inspector discovers a violation of the laws, he may enter a complaint and prosecute the same, and for this purpose shall have the same powers relative to the enforcement of all laws pertaining to weights and measures as are conferred upon local sealers of weights and measures by statute. Whoever hinders, obstructs or in any way interferes with him in the performance of his duty shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than sixty days.

SECTION 2. Section nine of chapter sixty-two of the Revised Laws is hereby repealed.

GENERAL ACTS OF 1917, CHAPTER 152.

An Act to establish a State Clinical Standard Thermometer.

Clinical standard thermometer established.

SECTION 1. A clinical standard thermometer supplied by the commonwealth and certified by the national bureau of standards for use by the common-

wealth, shall be the state clinical standard thermometer.

SECTION 2. In addition to the state clinical standard thermometer, there shall be supplied by the commonwealth such additional clinical standard thermometers as may be necessary to carry out the provisions of this act, to be known as office clinical standards. Such thermometers shall be verified by the commissioner of weights and measures upon their initial receipt and at least once in each six months thereafter, by direct comparison with the state clinical standard thermometer. The office clinical standard thermometers may be used in making all comparisons of clinical thermometers under test.

Office standards.

Shall be verified.

May be used for testing.

SECTION 3. The commissioner of weights and measures shall have the power, and it shall be his duty, to promulgate tolerances and specifications for clinical thermometers. A correct clinical thermometer shall be deemed to be one which conforms to the standard hereby established and to the specifications promulgated hereunder, within the tolerances established as aforesaid. All other clinical thermometers shall be deemed to be incorrect.

Tolerances and specifications.

Correct clinical thermometer defined.

SECTION 4. Whenever the commissioner of weights and measures inspects and tests a clinical thermometer which is offered for sale and finds it to be correct he shall seal or mark it or otherwise certify it as correct. Whenever he inspects and tests such a clinical thermometer and finds it to be incorrect he may condemn, seize and destroy it; or he may return it to the owner upon a satisfactory guarantee that it will not be sold or used within the commonwealth.

Commissioner to seal as correct.

May condemn or seize, when.

Manufacturer's
seal may be
authorized.

Seal marks.

Commissioner
may revoke
authority
given to
manufacturer.

Penalty.

Either scale
may be used.

SECTION 5. When a representative sample of a clinical thermometer has been submitted by the manufacturer thereof to the commissioner of weights and measures and approved by him, he shall assign a designating mark or number which shall thereafter be permanently affixed by the manufacturer to all clinical thermometers of that particular kind made by him. Such clinical thermometers as are sealed by the manufacturer shall be marked with the name, initials or trademark of the manufacturer, and by such other marks as the commissioner may require. The commissioner shall have power to revoke the authority given by him to any manufacturer under the provisions of this section upon proof that the authorized seal or designating mark has been affixed to a thermometer which does not conform to the sample approved by the commissioner.

SECTION 6. Any person who, by himself or by his servant or agent, or as the servant or agent of another person, shall keep for the purpose of sale, offer or expose for sale, or sell any clinical thermometer which has not been sealed, marked or certified as correct by the commissioner of weights and measures or by the manufacturer as aforesaid, shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars.

SECTION 7. Nothing in this act shall be construed as adopting or authorizing the adoption of any particular scale as the thermometer standard for Massachusetts.

SECTION 8. This act shall take effect on the first day of January in the year nineteen hundred and eighteen.

APPENDIX.

UNITED STATES APPLE GRADING LAW.

[PUBLIC — No. 252 — 61ST CONGRESS.]

[H. R. 21480.]

An Act to establish a Standard Barrel and Standard Grades for Apples when packed in Barrels, and for Other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

U. S. standard
apple barrel
defined.

SECTION 2. That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the Dis-

Standard
grades for
apples.

Apples,
how to be
graded.

trict of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications shall be "Standard grade minimum size two and one half inches," if the minimum size of the apples is two and one half inches in transverse diameter; "Standard grade minimum size two and one-fourth inches," if the minimum size of the apples is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches," if the minimum size of the apples is two inches in transverse diameter.

Barrels may
be branded.

SECTION 3. That the barrels in which apples are packed in accordance with the provisions of this Act may be branded in accordance with section two of this Act.

To be deemed
below standard,
when.

SECTION 4. That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by section one of this Act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section one of this Act. The marking required by this paragraph shall be in block letters of size not less than seventy-two point one inch gothic.

SECTION 5. That barrels packed with apples shall be deemed to be misbranded within the meaning of this act — To be deemed
misbranded,
when.

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by section two of this Act.

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

SECTION 6. That any person, firm or corporation, Penalty.
or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this Act shall be liable to a penalty of one dollar and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any How recovered.
court of the United States having jurisdiction.

SECTION 7. That this Act shall be in force and effect from and after the first day of July, nineteen hundred and thirteen.

Approved, August 3, 1912.

UNITED STATES STANDARD BARREL LAW.

[PUBLIC — No. 307 — 63D CONGRESS.]

[H. R. 4899.]

**An Act to fix the Standard Barrel for Fruits, Vegetables,
and Other Dry Commodities.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the standard barrel for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided,* That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

U. S. standard
barrel defined.Dimensions of
standard
cranberry
barrel.Penalty for
violations.

SECTION 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Terri-

tory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this Act, or subdivisions thereof known as the third, half, and three-quarters barrel, and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed \$500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction. *Provided, however,* That no barrel shall be deemed below standard within the meaning of this Act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped. Exceptions.

SECTION 3. That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this Act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however,* That nothing in this Act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count. Variations and tolerances.

Prosecutions, to be begun by whom.

SECTION 4. That this Act shall be in force and effect from and after the first day of July, nineteen hundred and sixteen. Proviso.

Approved, March 4, 1915.

UNITED STATES STANDARD LIME BARREL LAW.

[PUBLIC — No. 228 — 64TH CONGRESS (S. 5425).]

An Act to standardize Lime Barrels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

Large and
small barrels
of lime
established.

Net weight
to be marked
on barrels.

SECTION 2. That it shall be unlawful for any person to sell or offer for sale lime imported in barrels from a foreign country, or to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, unless there shall be stenciled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and of the large barrel the figures "280 lbs. net" before the importation or shipment, and on either barrel in addition the name of the manufacturer of the lime and where manufactured, and, if imported, the name of the country from which it is imported.

Lime, how
sold in
containers of
less than
standard
capacity.

SECTION 3. When lime is sold in interstate or foreign commerce in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand,

if any, under which it is sold, and, if imported, the name of the country from which it is imported.

SECTION 4. That rules and regulations for the enforcement of this Act, not inconsistent with the provisions of the Act, shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

Rules and regulations.

Variations and tolerances.

SECTION 5. That it shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any barrels or other containers of lime which are not marked as provided in Sections 2 and 3 of this Act, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of this Act; and any person guilty of a violation of the provisions of this Act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding \$100.

Penalty.

SECTION 6. That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of this Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the United States court having jurisdiction of such offense: *Provided, however*, That the penal provisions of this Act shall not take effect until January 1, 1917.

Prosecutions.

SECTION 7. That this Act shall be in force and effect from and after its passage.

Approved August 23, 1916.

FEDERAL CLIMAX BASKET LAW.

[PUBLIC — No. 248 — 64TH CONGRESS.]

[H. R. 17058.]

An Act to fix Standards for Climax Baskets for Grapes and Other Fruits and Vegetables, and to fix Standards for Baskets and Other Containers for Small Fruits, Berries, and Vegetables, and for Other Purposes.

Standard
baskets for
fruits and
vegetables
established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

Two-quart
basket,
dimensions of.

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

Four-quart
basket,
dimensions of.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches,

outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

Twelve-quart basket, dimensions of.

SEC. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

Standard baskets for small fruits, etc., established.

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

Dry half-pint.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

Dry pint.

(c) The dry quart shall contain sixty-seven and two-tenths cubic inches.

Dry quart.

SEC. 3. That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and

Penalty.

Shall not
apply to
baskets, etc.,
intended for
export.

upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

Tests to be
made by
Department of
Agriculture.

SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Tolerances and
variations to
be established.

Prosecutions,
by whom
made.

SEC. 5. That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

Guaranty.

SEC. 6. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct

within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 7. That this Act shall be in force and effect from and after the first day of November, nineteen hundred and seventeen.

Approved, August 31, 1916.

EXTRACTS FROM MASSACHUSETTS APPLE GRADING LAW.¹

GENERAL ACTS, 1915, CHAPTER 261, AS AMENDED BY CHAPTER 63, GENERAL ACTS, 1916, AND BY CHAPTER 13, GENERAL ACTS, 1917.

An Act relative to the Packing, Grading and Sale of Apples.

Standard barrel and standard box defined. G. A. 1915, 261, § 1.

SECTION 1. The standard barrel for apples shall be of the following dimensions when measured without distention of its parts:—length of stave, twenty-eight and one half inches; diameter of heads, seventeen and one eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four tenths of an inch: *provided*, that any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel.

The standard box for apples shall be of the following dimensions by inside measurement: eighteen inches by eleven and one half inches by ten and one half inches, without distention of its parts, and having a capacity of not less than two thousand one hundred seventy-three and one half cubic inches.

Closed packages to be branded. G. A. 1915, 261, § 5, as amended by G. A. 1917, § 13.

SECTION 5. Every closed package of apples packed or repacked in the Commonwealth and intended for sale, either within or without the commonwealth, shall have

¹ The above extracts from the Massachusetts apple grading law are printed for the information of sealers and other interested parties. The secretary of the State Board of Agriculture is charged with the administration of this law, and complaints should be addressed to that official.

marked in a conspicuous place on the outside of the package in plain letters a statement of the quantity of the contents, the name and address of the person by whose authority the apples were packed, the true name of the variety and the grade and the minimum size of the apples contained therein, in accordance with the provisions of sections two, three and four of this act, and the name of the state in which they were grown. If the true name of the variety is not known to the packer or other person by whose authority the apples are packed, the statement shall include the words "variety unknown", and if the name of the state in which the apples were grown is not known, this fact shall also be set forth in the statement. If apples are repacked, the package shall be marked "repacked", and shall bear the name and address of the person by whose authority it is repacked, in place of that of the person by whose authority they were originally packed.

SECTION 16. The word "person", as used in this act shall include persons, firms, corporations, societies and associations, and the acts of agents and employees shall be construed to be the acts of their principals and employers as well as of the agents and employees. The words "closed package" shall mean a barrel, box or other container the contents of which cannot be sufficiently seen for purposes of inspection without opening the container.

"Person"
and "closed
package"
defined.
G. A. 1915,
261, § 16.



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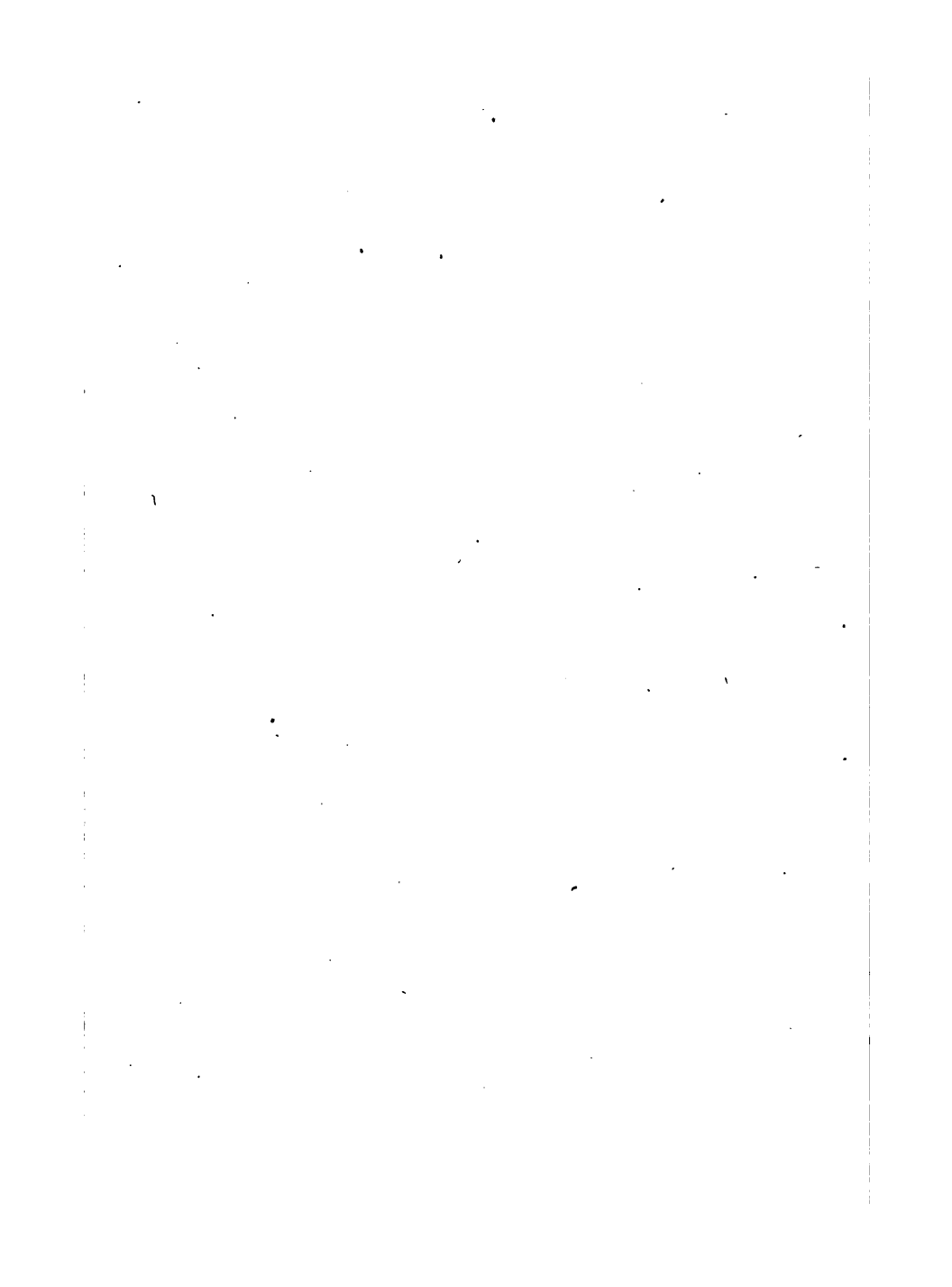
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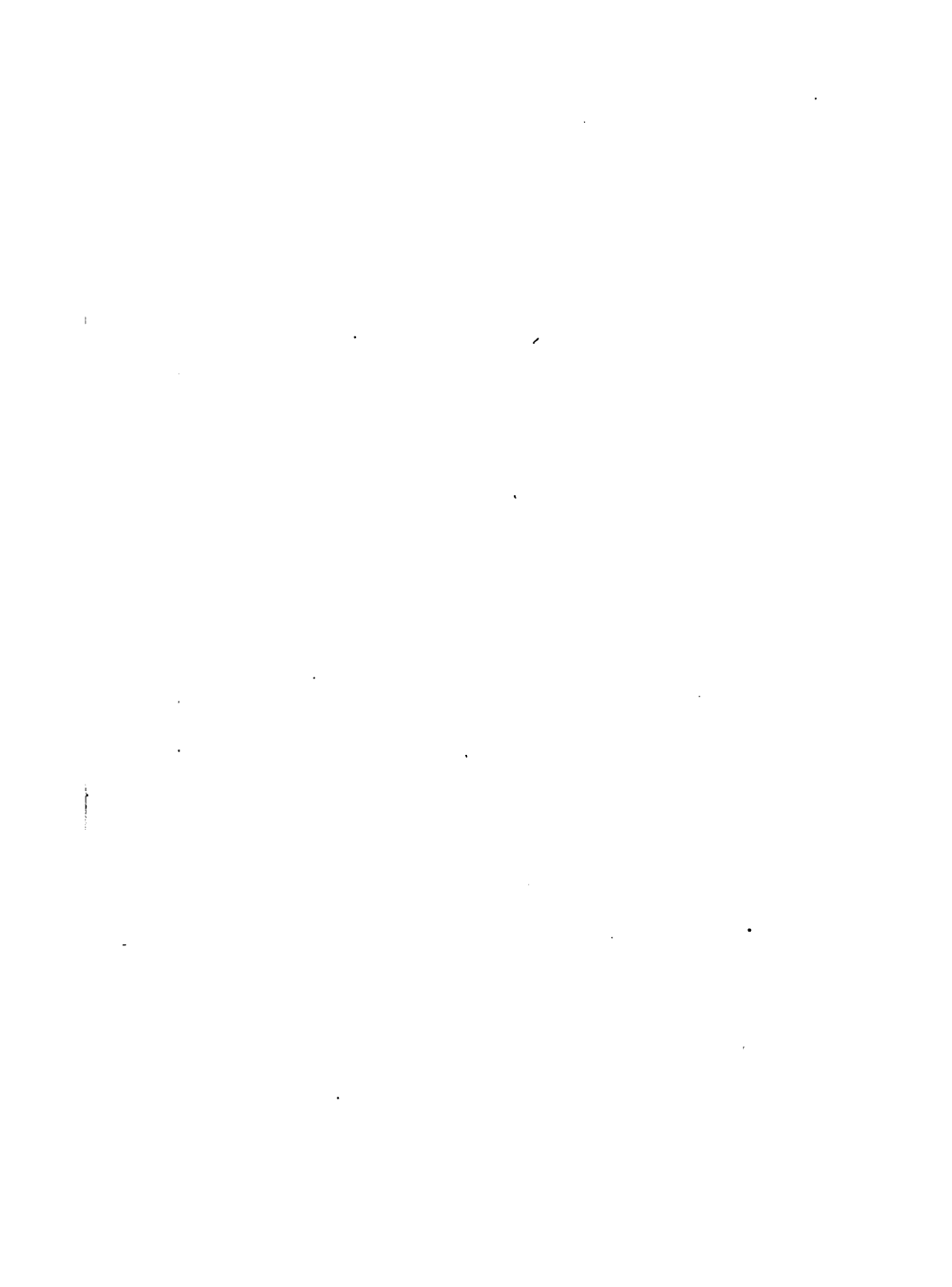
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